

U.S. Courthouse
401 Courthouse Square
Alexandria, Virginia

12 The testimony of HAROLD McEWEN ICKES was
13 taken in the presence of a full quorum of the Grand
14 Jury beginning at 10:08 a.m.

19 DAVID BARGER
Associate Independent Counsel

25

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P R O C E E D I N G S

Whereupon,

HAROLD McEWEN ICKES

was called as a witness and, after first being duly sworn by the Foreperson of the Grand Jury, was examined and testified as follows:

EXAMINATION

BY MR. MR. CRANE:

Q Good morning, Mr. Ickes.

A Good morning.

Q My name is Jim Crane. I'm an Associate Independent Counsel. Here at my left is Mr. Edward Page, also Associate Independent Counsel. Along the back wall is Mr. Barger, also Associate Independent Counsel. And these are the members of the Grand Jury, the court reporter being opposite you at the end of the third table there.

A Okay.

Q Now, I understand that you are, in fact, a lawyer. However, as we do with all witnesses, I'll go over your advice of rights and responsibilities as a witness testifying before the Grand Jury, which you're probably quite familiar with and so I will do this fairly quickly.

You are aware of your Fifth Amendment right,

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1 that you need not answer any question which you believe
2 would tend to incriminate you. Is that correct?

3 A Yes.

4 Q And there are several categories of
5 individuals which appear before a Grand Jury.
6 Generally, they're broken down into targets and
7 subjects. You are not a target, you are a subject, and
8 a subject -- I will read the definition from the
9 Department of Justice manual, just so we have it clear.
10 A subject is defined as "A person whose conduct is
11 within the scope of the Grand Jury's investigation. In
12 some districts, the term subject is interpreted broadly
13 and most witnesses are advised to consider themselves
14 subjects." Do you understand that you are a subject
15 under that definition?

16 A I do.

17 Q And you understand that although you are a
18 subject here today the government cannot promise you
19 that you will always remain a subject and that at some
20 point you may not become -- that you may possibly
21 become a target or even a defendant?

22 A Right.

23 Q Is that clear?

24 A Yes.

25 Q Now, you are represented by counsel here

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1 today. Is that correct?

2 A I am.

3 Q And that is Ms. Amy Sabrin?

4 A Sabrin, S-A-B-R-I-N.

5 Q All right.

6 A Yes.

7 Q And you understand, as I'm sure you do, that
8 you have the right to consult with Ms. -- Sabrin?

9 A Sabrin.

10 Q Sabrin. I'm sorry, I keep saying it wrong.

11 A Sabrin, yes.

12 Q -- a reasonable number of times should you
13 need to, so long as it doesn't disrupt the, the
14 questioning, it doesn't become so frequent.

15 You understand further that you have the
16 obligation to testify truthfully, as you have been so
17 sworn by the Foreperson?

18 A Yes.

19 Q And to testify otherwise would be perjury
20 which is in itself a federal offense?

21 A Yes.

22 Q Anything that you say here can be used in
23 subsequent Grand Jury proceedings or in subsequent
24 legal proceedings against you. Do you understand that?

25 A Yes.

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1 Q Okay, this Grand Jury is conducting an
2 investigation of what is commonly known as the Monica
3 Lewinsky/Linda Tripp matter, as I'm sure you're
4 familiar. The offenses that we are looking into and
5 the members of the Grand Jury are looking into are
6 perjury, obstruction of justice, witness tampering,
7 suborning perjury in relation to Monica Lewinsky and
8 any other person in the lawsuit known as Paula Corbin
9 Jones versus William Jefferson Clinton, et al. And we
10 are here as a -- the members of the Grand Jury convened
11 to look into that issue. Is all of that clear to you?

12 A Yes.

13 Q And just finally, the secrecy concerns.
14 Rule 6E, as I'm sure you're aware, applies to us, the
15 prosecutors, the members of the Grand Jury, the court
16 reporter. We are not allowed to talk about anything
17 you tell us here today other than the attorneys may
18 share the information with other members of our office.
19 You, on the other hand, are free to share the
20 information with any person to whom you see fit; your
21 attorney, of course, and any other person. And all of
22 that is clear to you?

23 A Yes.

24 Q All right. If I could just ask you to state
25 your full name again and spell your last name so the

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1 court reporter does have it correct.

2 A It's Harold Ickes, I-C-K-E-S.

3 Q No middle name?

4 A I have a middle name, I never use it. It's
5 McEwen, M-c-E-W-E-N.

6 Q All right. Could you tell the members of the
7 Grand Jury, you were formerly employed at the White
8 House, I believe, as -- in a high position. If you
9 could describe what that was and where you're currently
10 employed, sir.

11 A I was employed at the White House as an
12 assistant to the President and deputy chief of staff,
13 and I currently run my own business.

14 Q And what was the time frame that you worked
15 at the White House?

16 A Approximately, early January of 1994 to late
17 January of 1997.

18 Q All right. And you had that position
19 throughout your roughly three-year tenure there?

20 A Yes.

21 Q And what is the business that you run now,
22 sir?

23 A It's a consulting firm in Washington, D.C.

24 Q And what sort of consulting do you do?

25 A It's mostly with clients who have situations

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1 | they need to try to solve, problems they need to try to
2 | solve in Washington, D.C.

3 | Q Well, generally, what sort -- is it fair to
4 | state that you're not actually practicing law now?

5 | A No, I'm not -- I do not practice law.

6 | Q Okay.

7 | A Have not practiced law since joining the
8 | White House staff.

9 | Q All right. But you have been to law school?

10 | A I have been, yes.

11 | Q And where did you go to law school, sir?

12 | A Columbia Law School in New York City.

13 | Q And when did you graduate?

14 | A In the early 1970s.

15 | Q And what year was that?

16 | A I don't recall the year. It was, it was, I
17 | don't know, '71 or '72, I think, when I got my degree.

18 | Q And after you graduated, where did you go to
19 | work or what did you do?

20 | A I have done a variety of different jobs in
21 | campaigns and otherwise.

22 | Q All right. And for a period of time you did
23 | practice law with a firm, I understand?

24 | A I did.

25 | Q And what firm was that?

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1 A The firm is currently Meyer, M-E-Y-E-R,
2 Suozzi, S-U-O-Z-Z-I, English, E-N-G-L-I-S-H, and Klein,
3 K-L-E-I-N, and it's located in Mineola, New York, which
4 is Nassau County.

5 Q All right. And what year did you leave that
6 law firm?

7 A Well, I never really left. I took a leave of
8 absence at one point, but I resigned from the law firm
9 in December of 1993.

10 Q I see. And are you admitted to practice law
11 in any jurisdiction in the United States or elsewhere?

12 A In the Courts of the State of New York and in
13 the Southern District and Eastern District of the
14 Federal Courts of New York.

15 Q I see. And where did you go to undergraduate
16 school?

17 A I went to the University of Arizona for my
18 freshman year and Stanford University for my last three
19 years.

20 Q And what year did you graduate from Stanford
21 University?

22 A 1964.

23 Q All right. And what did you major in there?

24 A Economics.

25 Q Now, who is Jane Mayer or Jane Mayer?

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1 A If it's the person that I'm thinking of, she
2 is -- she works for the -- or she writes for The New
3 Yorker. She's a, she's a journalist.

4 Q Turning your attention to the time frame of
5 mid-March of this year, 1998, can you just tell us what
6 contacts and dealings you've had with Ms. Jane Mayer?

7 A I don't recall specific times. I know that
8 during this spring that I have talked to her. I've
9 known her for several years. I've talked to her on
10 several occasions during 1998, this spring, and I may
11 have met with her once or twice and talked to her on
12 the telephone, again, once, twice, three times.

13 Q And what is the purpose of your conversations
14 with her?

15 A She's a journalist and I have talked to her,
16 I've answered her questions. She typically has called
17 me to ask me questions about various things.

18 Q Is your relationship with Ms. Mayer simply as
19 a private citizen or is it related in any way to your
20 consulting business?

21 A It's not related -- I've known her, as I
22 said, when I was -- I first met her when I was on the
23 White House staff. We've kept in touch since and she
24 has not -- my relationship with her has nothing to do
25 with the consulting business.

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1 Q All right. And your conversations with her
2 from the March 1998 time period to the present, are
3 those purely of a private citizen expressing an
4 interest in news or journalistic affairs?

5 A Well, when you say -- I'm not, I'm not
6 employed by her. She's not a client. So, it -- and we
7 don't -- I do not have a professional relationship with
8 her.

9 Q I see. Do you speak to her on behalf of any
10 client?

11 A No.

12 Q And when I say client, I mean a, a paid --
13 individual who would pay you for your consulting
14 services?

15 A No, I do not.

16 Q Do you have any reason to be talking with her
17 related to your consulting business?

18 A No.

19 Q And approximately how many times have you met
20 with her in person?

21 A I don't know. I know her socially as well as
22 as a journalist. I think, by my recollection, no more
23 than two, maybe three times have I met with her since
24 March, if that many.

25 Q And what about since January, since the

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1 Monica Lewinsky/Linda Tripp issue surfaced?

2 A How many times have I -- the question is how
3 many times have I met with her?

4 Q Yes.

5 A Face to face?

6 Q Yes, since January 21.

7 A Again, I've -- I don't have a specific
8 recollection. Probably not more than, at the outside,
9 four times.

10 Q And when you go to meet with her, where do
11 you go?

12 A It depends. Sometimes I'll have lunch with
13 her, sometimes she'll come to my office.

14 Q And after the Lewinsky/Tripp scandal became
15 public, you became -- is this accurate, sir? --
16 somewhat more involved in dealing with the media? Is
17 that accurate or inaccurate?

18 A Well, in dealing with the media in what
19 connection?

20 Q Reference to the Tripp/Lewinsky matter.

21 A And when you say dealing with the media, what
22 do you mean? What does that mean?

23 Q Talking to them.

24 A Yes, I, I would say -- I think it's a fair
25 characterization to say that after the first publicity

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1 about Ms. Lewinsky that I did increase my contacts with
2 the media, or they with me.

3 Q All right. And was that just out of your
4 personal interest or did you talk to anyone else at the
5 White House about becoming some sort of a informal
6 media advisor?

7 A No, I didn't talk to anybody at the White
8 House. To my recollection, I did talk to Mickey
9 Kanter.

10 Q And who is Mickey Kanter?

11 A He is the former Secretary of Commerce,
12 former trade representative, and is now in private
13 practice -- as far as I know, is in private practice in
14 Washington, D.C., with a law firm.

15 Q All right. And what law firm is he with?

16 A He is with Mayer, Brown, Platt, which is, I
17 think, a Chicago law firm.

18 Q And do you know what sort of practice
19 Mr. Kanter has?

20 A Lucrative. That's what he says. No, I --
21 the answer is I don't know. He seems to travel a lot
22 and apparently gets paid well for it.

23 Q So, do you and Mr. Kanter have some
24 arrangement whereby you are informal media advisors for
25 the White House in this -- in the Tripp/Lewinsky

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1 scandal, if you will?

2 A Well, all of that's definitional. I, I talk
3 to, I talk to Mickey about -- he has a -- I think he
4 has a more formal role at the White House certainly
5 than I do. I don't have a formal role. My
6 understanding is he has a lawyer/client relationship
7 with the President. I do not. And he -- I talked to
8 him about what role he was doing and what -- how I
9 might be helpful, and we both agreed -- and this was
10 early on in -- right after the Lewinsky situation
11 became public. We agreed that I would, to the extent
12 that I had time and could take time from my business,
13 that I would spend most of my time talking to reporters
14 and that's basically what I've done.

15 Q All right. And your consulting business is
16 located here in Washington, D.C. Is that correct?

17 A Yes, it is.

18 Q And what is the name of that?

19 A It's the Ickes and Enright Group.

20 Q And Enright is your partner or associate?

21 A She's my partner.

22 Q And do you have a business telephone?

23 A I do.

24 Q And what is that number?

25 A It's [REDACTED]

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1 Q All right. Do you have a home phone?

2 A I do.

3 Q And what is that number?

4 A [REDACTED]. You'll only get an answering
5 machine, so don't call.

6 Q Do you also have a cell phone?

7 A I do.

8 Q And what is that cell phone number, sir?

9 A [REDACTED] -- I'm terrible on numbers -- [REDACTED]

10 Q And were all these phones operating from
11 January to -- through, through the present?

12 A From January of '98?

13 Q Yes.

14 A Yes, they were.

15 Q Okay. And did you have occasion to discuss
16 media affairs with journalists on all three of these
17 phones?

18 A Well, I don't know what you mean by the
19 phrase affairs. Have I talked to journalists from all
20 of those phones since January of '98, is that the
21 question?

22 Q Yes.

23 A The answer is yes.

24 Q So that would be at home, business, and on
25 the cell phone?

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1 A Right.

2 Q Are there any other places where you go to
3 discuss the Tripp/Lewinsky matter on anyone else's
4 telephone?

5 A It depends where I am. I mean, you know, if
6 I'm -- we're pretty mobile and sometimes I use -- if
7 I'm in somebody's office and I need to call somebody or
8 somebody -- I get a message that somebody has called --
9 we have voice mail on our business phone as well as on
10 the cell phone, and if I get a voice mail that I think
11 I need to return, I will return it, either from
12 wherever I am or from a pay phone.

13 Q All right.

14 A It's fairly infrequent but it has, it has
15 occurred.

16 Q Before I forget, Mr. Ickes, just essentially
17 as a housekeeping matter, let me show you what I would
18 represent to you to be a copy of the subpoena which we
19 sent to your lawyer, just to make sure -- and then ask
20 you about some documents you've given us today. Does
21 that appear to be a copy of the subpoena that was sent
22 to your lawyer?

23 A It does.

24 Q And in response -- that subpoena calls for
25 your personal appearance here. Is that correct? For

1 you to come and talk to the Grand Jury?

2 A That's the only reason I'm here.

3 Q Right. And it also called for you to produce
4 some documents to us, which you have done this morning.
5 Is that correct?

6 A I -- yes, my lawyer did.

7 Q Okay. And did you look over the definitional
8 section of the subpoena rider that goes on for a couple
9 pages, defining documents fairly broadly?

10 A I, I looked it over.

11 Q Okay. And are these the only documents that
12 you had in your custody, control or know of?

13 A Yes.

14 Q All right.

15 A Yes, to the best of my knowledge.

16 Q And just for the members of the Grand Jury,
17 the document consists of a number of pages. And
18 without looking at each page, it appears to be a copy
19 of your civil deposition in the Judicial Watch -- what
20 I call the Judicial Watch matter but it's actually
21 Cara Leslie Alexander, et al., v. Federal Bureau of
22 Investigation. Is that accurate?

23 A Yes.

24 Q And you have no other documents other than
25 your -- the transcript of your civil deposition in your

1 custody?

2 A That's correct. I do have -- well, I think,
3 if I read that subpoena correctly, it's a long
4 definition, but I think you excluded newspaper clips.

5 Q Yes, that's correct.

6 A Okay. I do have copies of other Judicial
7 Watch depositions that were taken in this same case --

8 Q Surely.

9 A -- and those were put up on the Internet and
10 I pulled some of them down on the Internet, but --

11 Q Right. And I would represent to you that
12 it's not necessary that you produce those to us.

13 A Okay.

14 Q But I will just look over the definition
15 here. We asked you to produce any and all documents
16 and/or files related to the Linda Tripp/Monica Lewinsky
17 investigation. And then it goes on, "including but not
18 limited to notes, memos and any other correspondence."
19 So, I take it there were no other documents responsive
20 to our subpoena?

21 A No. I searched my files and, as best I can
22 tell, this is it.

23 Q Did you at any point in the past take any
24 notes about Linda Tripp in general since January 21?

25 A Not that I recall.

1 Q And didn't produce any document, memo,
2 talking point, anything like that for use in dealing
3 with the media?

4 A No.

5 Q What about when you talk to people at the
6 White House, if you, if you do talk to them? Do you
7 ever take notes relative to Linda Tripp?

8 A Not that I recall. I've had very little
9 discussion with White House people about Linda Tripp,
10 but I don't -- any notes that I would have taken that
11 are in existence I would have produced.

12 Q And who at the White House would you have had
13 conversations with concerning Linda Tripp?

14 A The -- I think the people that I can best
15 recall would include Rahm Emanuel, Paul Bagala. Those
16 would be the two primary people. Probably Mike
17 McCurry, the press secretary. From time to time, I've
18 talked to him. Whether or not I've talked to him about
19 Linda Tripp, I don't know. I do talk to the President
20 and the First Lady infrequently. I don't recall
21 specific discussions with either of them about
22 Ms. Tripp. And Ann Lewis is another person I talk to.
23 And Lanny Brewer, I've talked to him from time to time.
24 So that's sort of the complex of people I've talked to.
25 When he was still there, I would talk to Lanny Davis as

1 well.

2 Q All right. And is this a fair or an unfair
3 statement, Mr. Ickes, that the individuals you've
4 talked to at the White House would be quite displeased
5 or somewhat displeased with Ms. Tripp?

6 A Oh, I don't know. I didn't ask them what
7 their attitude was.

8 Q From the type of comments since the
9 Tripp/Lewinsky matter has hit the papers, do you have
10 any inkling to whether they're, they're happy with what
11 Ms. Tripp did, in particular the taping of Monica
12 Lewinsky, or, or unhappy with her?

13 A Again, I don't, I don't recall any specific
14 discussions about -- with these people about Linda
15 Tripp. So, I would -- as I sit here today under oath,
16 I couldn't tell you what their attitude was. I can
17 make an assumption that they're probably less than
18 happy, but I don't recall any specific discussion with
19 any particular person.

20 Q What about not just related to Linda Tripp
21 but the, the Lewinsky/Tripp scandal at large, not
22 related simply to those two individuals? But they're
23 at the heart of it, so I'll refer to it as the
24 Lewinsky/Tripp scandal. What sort of things have the
25 people in the White House told you?

1 A Well, I want to make clear, which I made
2 clear already but let me just repeat it because I think
3 it bears repeating. I do not have lawyer/client
4 privilege with the President or Mrs. Clinton or
5 anywhere else who work at the White House. So, I -- my
6 knowledge is limited only to what is known by the
7 public at large through media sources.

8 I think it's fair to say that it is a very
9 unhappy situation and that they would prefer it was not
10 around, but it's here.

11 Q And who has told you they would prefer it's
12 not around but it's here?

13 A Well, as I say, I didn't say -- I'm not
14 quoting anyone. I say that's my -- I think that's a
15 fair characterization, which is my characterization, of
16 I think the general attitude at the White House, that
17 it is an unhappy situation, an unfortunate one and --
18 but it's here and we have to deal with it.

19 Q Okay. And who specifically have you talked
20 to at the White House regarding Monica Lewinsky?

21 A I have talked -- is there a time period on
22 this?

23 Q From January -- generally, I will say from
24 late January to the present, 1998.

25 A I, I have talked to the President, I have

1 talked to Mr. Bagala, Mr. Emanuel, probably Ms. Lewis,
2 probably Mr. McCurry, although I don't have a specific
3 recollection of discussing it with him, Mr. Brewer, and
4 probably Mr. Davis.

5 Q What did the President say about Monica
6 Lewinsky?

7 A The only discussion I recall having with him,
8 he denied that he had had sexual relations with
9 Ms. Lewinsky and denied that he had -- I don't know how
10 to capsulize it -- obstructed justice, let's use that
11 phrase.

12 Q And how long did this conversation last?

13 A I think it -- it's my recollection it was
14 quite short. It was on -- that, on that specific
15 subject, it was a matter of less than five minutes.

16 Q Okay. What you have just told us now,
17 without looking at my watch, but that only took like 30
18 seconds. What did you all talk about for the other 4½
19 minutes reference Monica Lewinsky?

20 A Well, that is a summary of a conversation
21 which I estimate took no more than five minutes, what I
22 just told you.

23 Q All right. So, what other details were
24 discussed in the other approximately 4½ minutes that --

25 A I have no, I have no recollection of any

1 specific details. I can tell you that's what -- the
2 summary of the conversation on that particular subject.
3 I met with the President -- that same meeting probably
4 lasted an hour in which we discussed a range of
5 different things.

6 Q Okay. Was this an in-person meeting?

7 A Yes.

8 Q All right. In the White House?

9 A Yes.

10 Q What date?

11 A It was the Sunday -- I'm sorry, it was the
12 Monday morning, early Monday morning immediately -- of
13 the week immediately following the first week that the
14 Monica Lewinsky situation became public.

15 Q All right. So, generally --

16 A Which I recall was in the middle of the week,
17 and then it was either Wednesday or Thursday it became
18 public. And so, this would be the Monday morning,
19 early Monday morning immediately following when it
20 became public.

21 Q Did the President ask you to act as sort of
22 an informal media advisor for him?

23 A He didn't ask me to act as a media advisor,
24 he asked my opinion about what I thought of the
25 situation and I told him that -- he told me that

1 Mr. Kanter was going to be involved and, in fact, had
2 an attorney/client privilege with him. I did not see
3 the necessity of having an attorney/client privilege
4 myself and I told the President that I would try to be
5 helpful and that I would talk to Mr. Kanter about how
6 best I could be helpful.

7 Q But I think I've asked you this earlier and I
8 don't mean to belabor it, but you don't get any sort of
9 economic or any tangible benefit out of doing this. Is
10 that true?

11 A Unless you count negative economics an
12 economic benefit. It cost me a considerable amount of
13 money appearing before Grand Juries and Judicial Watch.

14 Q All right.

15 A Tens of thousands of dollars. So, there's a
16 negative economic relationship. No, but the answer is
17 I don't get any -- I don't get paid by the White House
18 of Mr. Kanter or any of the President's lawyers in
19 connection with this.

20 Q All right. And you don't get any sort of
21 benefit whereby business is referred to you or some
22 sort of informal arrangement whereby they say if you
23 help us out here we'll send you, send you clients for
24 your, your meat and potatoes business?

25 A No.

1 Q What else -- who else was present with your
2 meeting with the President?

3 A When I first walked into the room, my best
4 recollection -- this happened what, several months ago.
5 My best recollection was that Roger Clinton was present
6 and Harry Thomason was present. One other fellow whose
7 name I can't remember was present. But they, they left
8 very shortly after I came into the room.

9 Q And so, was your meeting with the President
10 alone or was there anyone else there?

11 A Mr. Thomason was there for -- my recollection
12 is that, that the other two people left immediately. I
13 think Mr. Thomason was there for a short period of time
14 and then he left, also.

15 Q And could you just tell the members of the
16 Grand Jury who is Mr. Thomason and what is his past and
17 present relationship to the White House?

18 A He -- Mr. Thomason is a, for lack of a better
19 phrase, he is a producer of movies and films, I think
20 mostly for television consumption. He lives in
21 California. He and wife produce television movies and
22 films. And he was born in raised in Arkansas, is close
23 to the President, has known the President for a long
24 time and is -- from time to time comes east to see the
25 President.

1 Q All right. And currently, he's not any type
2 of consultant or informal position with the White
3 House. Is that your understanding?

4 A I have no idea what, what his relationship
5 with the White House is.

6 Q All right. Have you ever met Linda Tripp?

7 A I have.

8 Q And when was that?

9 A My recollection is it was right after we came
10 to the White House in early January of 1994 and I think
11 she was -- my recollection is she was working in the
12 White House Counsel's Office which is on the third
13 floor of the West Wing. From time to time, I would go
14 to the White House Counsel's Office and that's -- my
15 recollection is that's where I met her.

16 Q Did you ever have occasion to look at her
17 personnel files while you were employed at the White
18 House?

19 A Not to my knowledge.

20 Q Do you know if anyone else had occasion to
21 look through her personnel files for any reason
22 whatsoever?

23 A During what time period?

24 Q During the time period that you and she were
25 employed there?

1 A Not that I know of, no.

2 Q All right. And do you know where personnel
3 files are located within the White House or the
4 Executive Office Building complex?

5 A I don't.

6 Q And do you know who is in charge of personnel
7 files?

8 A I don't.

9 MR. CRANE: Does anyone, members of the Grand
10 Jury or the witness, would you like to take a break at
11 this time?

12 GRAND JUROR: Yeah, sure.

13 FOREPERSON: Break 10 minutes?

14 MR. CRANE: Ten minutes then? Okay.

15 MR. BARGER: Permission for the witness to be
16 excused.

17 FOREPERSON: Yes.

18 MR. CRANE: You may step out, Mr. Ickes.
19 I'll be right out.

20 WITNESS: Okay.

21 MR. CRANE: Thanks.

22 (Whereupon, at 10:39 a.m., the Grand Jury
23 recessed and subsequently reconvened at 11:05 a.m.)

24 FOREPERSON: I remind you, sir, that you're
25 still under oath.

1 WITNESS: Yes.

2 BY MR. BARGER:

3 Q Mr. Ickes, before we proceed with further
4 questions, just -- I wanted to cover one matter for the
5 record. Over the course of the recess, your attorney
6 had one question about the fact when you came into the
7 Grand Jury you were read a definition of subject and
8 told you were a subject. Is it fair to say that prior
9 to your appearance that one of the attorneys in the
10 Office of the Independent Counsel had advised your
11 attorney, at least as you understand it, that your
12 status was that of a witness?

13 A Yes, that's what I was told.

14 Q Okay. Just to clarify, your status is that
15 of a witness. The reason the term subject was used
16 this morning is that the Department of Justice manual
17 basically has two formal categories, target and
18 subject. It does not actually use the definition or
19 the category witness. However, prosecutors, over time,
20 have developed sort of an informal third category of
21 people who are viewed as witnesses, that is, they are
22 not, they are not subjects, they are viewed as people
23 who may have information relevant to the Grand Jury.
24 So, there is no formal category of witness and that is
25 why you were told, using the Department of Justice

1 definition, you're a subject, but your status has not
2 changed from that of what Ms. Corcoran advised your
3 attorney.

4 A Okay.

5 Q Thank you.

6 BY MR. CRANE:

7 Q Okay, Mr. Ickes, we'll continue and --
8 basically where we left off. I wanted to focus now on,
9 more particularly on the Linda Tripp personnel file
10 matter, reference mid-March of this year. Now, did you
11 have a meeting or a dinner with Mr. Kenneth Bacon at
12 some point, February-March of this year?

13 A I had dinner with him on -- that I can recall
14 on two occasions this late winter-early spring. I
15 don't recall the exact -- I don't even recall the
16 months. I do recall one month but I don't recall the
17 other month.

18 Q What was the one month you remember?

19 A We had Passover dinner at, at the same house
20 together.

21 Q At where?

22 A At the same house together.

23 Q Okay. And was that his house?

24 A No.

25 Q Whose house?

1 A It was Stephen Cohen.

2 Q Okay. And who is Stephen Cohen?

3 A He's a professor of law at Georgetown
4 University School of Law.

5 Q And I take it he is a friend of yours?

6 A He is.

7 Q And also of Mr. Bacon's?

8 A Yes.

9 Q Okay. And Mr. Bacon is the Assistant
10 Secretary of Defense for Public Affairs. Is that your
11 understanding?

12 A I know he works for the Pentagon and he
13 speaks to the press a lot. That's all I know.

14 Q Okay. So, one was a dinner at Stephen
15 Cohen's house. And did you say that was a Passover
16 dinner?

17 A Yes.

18 Q Okay. So that would be Passover. We can
19 check the date on the calendar.

20 A Right.

21 Q And the other dinner you had, would that be
22 before or after that?

23 A The other dinner was -- my best recollection,
24 it was before the Passover dinner.

25 Q And what did you talk about concerning Linda

1 Tripp?

2 A In, in which situation?

3 Q Start at the first dinner.

4 A I don't think -- well, at the Passover
5 dinner, I don't think there was any discussion. I
6 don't recall any discussion with -- about Linda Tripp.

7 Q Okay. What about at the earlier dinner?

8 A The earlier dinner, it was a very peripheral
9 discussion. I think the best that I can recall is that
10 there was -- I don't know whether I raised it or
11 Mr. Bacon raised it, I may well have raised it, the
12 fact that Ms. Tripp, who was in the news at that time,
13 was working at the Pentagon. I may have asked Ken when
14 she came over to the Pentagon. And that was really the
15 extent of it.

16 Q Did Mr. Bacon tell you that Linda Tripp
17 worked for him?

18 A He -- my recollection is that she worked in
19 the Public Affairs department, whether -- so if he, if
20 he is in fact the head of the Public Affairs
21 department, I assume that she worked for him. But my
22 understanding is it's a fairly large operation.

23 Q Did Mr. Bacon say anything like Linda Tripp
24 works for me or is in my chain of command?

25 A Not that I recall, anything with that

1 precision, no.

2 Q Did he say anything at that first earlier
3 dinner to indicate he was displeased with Ms. Tripp's
4 actions in taping Monica Lewinsky?

5 A No. He expressed no opinion, as far as I
6 recall, on what she had done.

7 Q Did he make any mention of attempting to
8 terminate Ms. Tripp from her employment?

9 A Did he make any attempt?

10 Q Did he make any reference to possibly trying
11 to terminate Ms. Tripp?

12 A Not that I, not that I recall.

13 Q Do you think that's the type of thing that
14 you would have recalled or not necessarily?

15 A I probably would have recalled that. As I
16 say, I don't think we got into any detail like that.
17 My recollection is that she was in the news at that
18 time and I -- my recollection is I said something about
19 Linda Tripp working over at the Pentagon and, as best I
20 recall, he responded by saying she worked in the Public
21 Affairs department. And I think that that was all
22 there was of the discussion, very in-passing.

23 Q Where did the -- you may have told me this,
24 but where did the earlier dinner take place?

25 A The earlier dinner took place also at

1 Mr. Cohen's house.

2 Q And are you all three mutually friends or is
3 Mr. Cohen more your acquaintance/friend than
4 Mr. Bacon's? What's, what's your relationship among
5 the three of you?

6 A Well, I've known Mr. Cohen for -- since 1968
7 and I've known him quite well. Mr. Bacon I met, to the
8 best of my recollection, when I came to work for the
9 White House. I don't recall when I first met him, but
10 I may have met him through Mr. Cohen, as a matter of
11 fact. He used to be -- my recollection is he used to
12 work for The Wall Street Journal.

13 Q Mr. Bacon that is?

14 A Yes.

15 Q And Mr. Cohen, professor of law at
16 Georgetown?

17 A Yes.

18 Q All right. Did Mr. Cohen say anything, to
19 your recollection that -- anything along the lines of
20 Linda Tripp ought to be fired?

21 A Did Mr. Cohen?

22 Q Yes.

23 A No, I don't, I don't recall Mr. Cohen
24 expressing any opinion about her.

25 Q He had no opinion on Linda Tripp whatsoever?

1 A Not that I recall.

2 Q No opinion about whether she could be fired
3 or should be fired?

4 A As I stated before, I don't recall him having
5 any opinion about her.

6 Q And did you express your opinion about her?

7 A I did not. I don't think I had an opinion.

8 Q And as you sit here today, do you have an
9 opinion?

10 A I have an opinion that's -- I know what she's
11 done from reading it in the press. I haven't talked to
12 her.

13 Q But in your contacts with the media, do you
14 try to portray what she has done in a favorable light
15 or in an unfavorable light?

16 A I try to portray the facts. People can draw
17 their own conclusion.

18 Q And what facts have you portrayed?

19 A I've portrayed the facts that are known in
20 the media.

21 Q Which ones?

22 A Oh, I don't know that. We could spend all
23 day here. But basically that she -- according to the
24 media, she worked in the White House. She was
25 subsequently transferred to the -- or she transferred

1 herself, I don't know which, to the Pentagon. That she
2 got to know Ms. Lewinsky, either at the White House or
3 at the Pentagon. And it's reported that she taped
4 certain conversations that Ms. Lewinsky had with her on
5 the telephone. And it's also been reported that she
6 was wired by Starr and, as a result of that wire,
7 recorded conversations.

8 Q I see. And in your discussions with the
9 media about Ms. Tripp, is that all you do, simply
10 portray facts that have already been reported?

11 A Well, I talk to a lot of media, sometimes 25,
12 30 on a running basis. So, it's very hard for me to
13 separate what I've read and what I've talked to about
14 the media, but basically I stick as much -- close as I
15 can to the facts as I know them and as they have been
16 reported.

17 Q All right. Now, was there anyone else
18 present at your first meeting, first dinner at
19 Mr. Cohen's house?

20 A Not that I recall. I don't recall that any
21 of his children were there and I don't think my
22 daughter was there.

23 Q Okay. And was this the one where you had
24 Chinese food?

25 A The first one?

1 Q Yes.

2 A Yes.

3 Q That's correct?

4 A Yes, it is correct.

5 Q All right.

6 A It was either Chinese or Thai, I forget
7 which. Or it may have been Indonesian.

8 Q And you had take out brought there to
9 Mr. Cohen's house?

10 A Well, it was his house. I don't know where
11 he got it from.

12 Q And you have no recollection, or you do, of
13 discussing Linda Tripp in particular with the
14 President?

15 A I have no recollection of discussing Linda
16 Tripp with the President.

17 Q Do you think you did and have since forgotten
18 about it?

19 A No, I have no recollection that I did.

20 Q Okay. Have you expressed your opinion to
21 anyone concerning whether Ms. Tripp's employment should
22 be terminated?

23 A I don't have any -- not that I know of. I
24 don't have an opinion on that. I don't know what the
25 rules are governing her employment.

1 Q But have you, have you said to any person
2 since January 21 of this year I think Linda Tripp ought
3 to be terminated for what she did?

4 A Not that I recall.

5 Q Any words to that effect, if not those exact
6 words?

7 A Not that I recall.

8 Q And that's not the type of thing you would
9 forget, though, is it?

10 A Well, I don't have the best memory, but most
11 people don't have good memories. So, I've given you
12 the best of my recollection.

13 Q No, but trying to get someone else or asking
14 that someone else might be fired, that's kind of a
15 important thing, isn't it?

16 A Depends on who it is and in what context.

17 Q All right. Did you at any point see a
18 Form 398 reference Ms. Linda Tripp?

19 A No. I don't even know what a Form -- the
20 answer is not to my recollection. I don't know what a
21 Form 398 is.

22 Q Okay. Did anyone from the White House or any
23 other source ever send you any sort of a personnel form
24 that looked like a standard government form on
25 Ms. Tripp?

1 A I am, I am quite sure no one did. I have no
2 recollection of seeing any government form on her.

3 Q Have you seen any written documentation on
4 her other than news articles sent to you by any other
5 person?

6 A Do that again. I'm sorry.

7 Q Apart -- putting always aside news articles,
8 you know, we're interested in your --

9 A Right. No --

10 Q -- news clipping file, but any other sorts of
11 forms, documents, reports, fax sheets, bullet points,
12 talking points on Ms. Tripp, again, the time frame from
13 January 21 till the present.

14 A Not that I recall. I mean, the White House
15 from time to time sends out stuff, but I don't recall
16 receiving anything from anyone about Linda Tripp. And
17 if I did, I probably would have kept it. And if I had
18 kept it, I would have produced it.

19 Q And to your knowledge, you've never seen the
20 form where government employees are asked have you ever
21 been arrested, detained, convicted, et cetera?

22 A Well, I've seen that form in connection with
23 myself.

24 Q With yourself. But with reference to Linda
25 Tripp?

1 A No.

2 Q And you're certain of that or you just don't
3 remember?

4 A Well, I'm not -- let me say I'm not
5 absolutely dead certain about much of anything. I'm
6 quite confident that I have not. I have no
7 recollection of seeing any form like that.

8 Q All right. Did Jane Mayer Hamilton ever send
9 you any personnel forms on Linda Tripp?

10 A No, I'm quite sure she did not.

11 Q Did she ever fax you anything on a fax
12 machine or in hard copy mail other than the article
13 that she wrote?

14 A I, I have no recollection that she did and
15 I'm quite confident that she did not.

16 Q Mr. Page is looking at his calendar, so I
17 think he may want to --

18 MR. CRANE: Did you want to tell us a date or
19 something?

20 MR. PAGE: No.

21 MR. CRANE: Okay.

22 BY MR. CRANE:

23 Q Did Ms. Mayer ever tell you that she was
24 going to release personnel information concerning Linda
25 Tripp publicly, in her article or otherwise?

1 A Well, she told me that she was writing an
2 article. She had called me, I don't know when,
3 obviously before she wrote the article, and said that
4 she was doing an article or thinking about doing an
5 article on Ms. Tripp and asked if I knew anything about
6 her. I told her that I knew nothing about her other
7 than the fact -- other than what I read in the
8 newspaper and other than the fact that I had met her,
9 as I've testified earlier, while she was working at the
10 White House Counsel's Office. So, I was of no -- I had
11 virtually no information for her that she didn't
12 already know.

13 Q Did Ms. Mayer request your assistance in
14 finding personnel or security type information about
15 Ms. Tripp?

16 A No.

17 Q Did anyone else within the White House
18 indicate to you that they had Ms. Tripp's personnel
19 file, had access to it and knew what was in it?

20 A Did anyone in the White House indicate?

21 Q Yes.

22 A No. I'm, I'm confident that no one did.

23 BY MR. BARGER:

24 Q Did anyone outside the White House? Did
25 anyone ever say anything to you to suggest they had

1 access to her personnel file?

2 A No. You know, other than -- I mean, my
3 problem is I've, I've now merged Ms. Mayer's story and
4 the publicity surrounding that with, with the events of
5 the time. But I have no recollection of anybody
6 talking to me about her personnel file.

7 Q What's your understanding of why she called
8 you? Since you basically didn't know Linda Tripp, why
9 did Ms. Mayer call you to find out what you knew about
10 Linda Tripp?

11 A You'll have to ask her.

12 Q Okay. Do you have any understanding of why
13 she called you?

14 A I can only speculate. If you want
15 speculation, I can give you that.

16 Q Sure.

17 A Huh?

18 Q Please.

19 A Typically, journalists call people that they
20 know who they think may know something about the
21 subject that they are currently working on. And since
22 I had worked in the White House at the time that
23 Ms. Tripp worked there, I can only speculate that
24 Ms. Mayer who, as I said before, I knew, both on a
25 social and as a journalist, called me to see if I knew

1 anything about her.

2 BY MR. CRANE:

3 Q And Ms. Mayer-Hamilton has come to your
4 office one or two times. Is that accurate, sir?

5 A I, I think at the most two is the best of my
6 recollection.

7 Q All right. And prior to coming to your
8 office, you had some telephone conversations with her,
9 I take it?

10 A Well, as I said before, I have, I have a, a
11 social and a -- relationship with her, as well as a
12 relationship with her in her capacity as a journalist.
13 So, I've talked to Ms. Mayer from time to time.

14 Q All right. But when she comes to your
15 office, she's coming in her capacity as a journalist.
16 Is that accurate?

17 A I think in both situations she did. yes

18 Q All right. And my question to you is why
19 would she come to your office if you so very little
20 about what's going on in the White House, what's going
21 on in the Tripp/Lewinsky matter in general?

22 A As I said -- I think I've answered that but
23 I'll, I'll answer it again. It's her -- most
24 journalists when they first start on a -- working on a
25 story, they start talking to people that they know,

1 that they think might know something about the subject
2 matter that they're currently working on or writing
3 about. And it was my impression, I mean, you'll have
4 to ask her, but it was my impression that she, she
5 wanted to come -- she said specifically she was working
6 on a story about Linda Tripp and wanted to come over
7 and wanted to know if I had time to meet with her. And
8 I did and it was a brief meeting.

9 Q All right. And have you learned subsequently
10 by any source, second-, third-, fourthhand, hearsay,
11 whether any person in the White House provided
12 personnel information to Ms. Mayer for her New Yorker
13 article?

14 A No.

15 Q Do you have any, any clue whatsoever as to
16 how that personnel information could have gotten into
17 Ms. Mayer's hands?

18 A I do not.

19 BY MR. BARGER:

20 Q Did Ms. Mayer, when she either talked to you
21 on the phone or met with you in person, say anything to
22 you to suggest that she was aware of this, this
23 allegation, this fact concerning Linda Tripp's
24 background? Specifically, that she may have been
25 arrested sometime prior?

1 A She may have. And my problem is all of this
2 stuff has merged. There's been so much written about
3 it and so many people have talked about it. I can't
4 sit here today under oath and say yes or no. She may
5 have. I don't recall a specific conversation about it,
6 but --

7 Q Okay.

8 A -- she could have.

9 Q Well, as best you can separate it, when she
10 talked to you on the phone or came to your office, what
11 if anything would she tell you about what it was she
12 was working on with regard to Linda Tripp? In other
13 words, what was the story she was working on for Linda
14 Tripp? What did she want to write about Linda Tripp?

15 A My understanding -- best as I can recall, my
16 understanding is that she was doing a story on Linda
17 Tripp. The New Yorker does those kinds of profiles and
18 my understanding, it was basically a profile and that
19 she was trying to get background information about
20 Ms. Tripp.

21 Q Did she say anything -- what did she say to
22 you, as best you can recall -- and you said background
23 information. Did she say anything to you to suggest
24 she had obtained background information from anybody
25 else prior to coming to see you?

1 A I don't recall. Most journalists are pretty
2 closed-mouth about where they get their information
3 from. So, she, she clearly knew something about Linda
4 Tripp, but where -- what those sources were, she didn't
5 tell me and I didn't ask her.

6 Q Well, when you say pretty closed-mouth, is it
7 fair to say that given your extensive experience
8 with -- contact with journalists that if, if the
9 journalist believes it's in their interest to, you
10 know, share a little tidbit with you about having
11 gotten some information from another source, whether
12 they reveal the source's identity or not, sometimes
13 they'll do that?

14 A Sometimes they will.

15 Q So, let me go back to my question. Did she
16 say anything to you to suggest that -- strike that.
17 Let me ask it this way. When she came to you, did you
18 have the impression she was coming to you with a clean
19 slate, that she knew nothing about Linda Tripp?

20 A No, I was certainly not under that
21 impression.

22 Q Did you get the impression from her that she
23 had talked to other people to gather information before
24 she had come to you?

25 A I got the impression -- I was under the

1 impression that she knew something about Linda Tripp.
2 How much, I don't know. And I assumed that she had
3 talked to other people, but I didn't specifically ask
4 her whether she had or whether she had not.

5 BY MR. CRANE:

6 Q Did she say something to the effect, Mr.
7 Ickes, I have information that Linda Tripp's been
8 arrested and I want to find out how I can find out how
9 she answered questions on personnel files?

10 A She may have. I don't -- as I say, as I've
11 said -- I've answered this now three times, but I'll
12 answer it for the fourth time. All of this has merged.
13 A lot has been discussed, as you all know. There's a
14 lot on the public record. A lot of people have
15 chattered about this. And I cannot, as I sit here
16 today under oath, separate what I knew then and what I
17 know now.

18 My best recollection is that she was going
19 to -- she said that she was going to do a story about
20 or a profile, for lack of a better phrase, on
21 Ms. Tripp, wondered if I had worked with her. I told
22 her that I had and she asked me if she could come over
23 and see me and I said yes. I do not know recall any
24 specific conversation at that time about arrest
25 records.

1 Q So, is it possible that that happened and
2 you, you've forgotten about it since then?

3 A It is possible. But as I said, I don't have
4 any specific recollection. And so much has happened
5 since then I cannot separate one from the other.

6 Q All right.

7 BY MR. BARGER:

8 Q When you say so much has happened since then
9 that you do not have a specific recollection of a
10 conversation, does that mean that as you understand it
11 today that when she came to see you one of the things
12 she was looking for was confirmation about this arrest?
13 And when you say you can't separate what you knew then
14 from what you know now, that suggests to me that what
15 you know now is that she knew that at the time she came
16 to see you.

17 A Well, I don't know how you draw that
18 inference, but you can draw whatever inference you
19 want. I think I've answered the question now five
20 times.

21 Q Well, regardless of how many times --

22 A Well, I don't have to answer a question more
23 than once.

24 MR. CRANE: Well, that's --

25 MR. BARGER: We won't debate how many times

1 you have to answer a question. Let me, let me go back
2 to --

3 MR. CRANE: While you're thinking, let me
4 follow up on this, see if I can phrase the question in
5 a different way without asking you the same one,
6 Mr. Ickes, because I don't mean to badger you.

7 BY MR. CRANE:

8 Q But I -- and I agree with what you're saying
9 about there's been so much information and lots and
10 lots of articles and things have merged. We see the
11 same story in different magazines and I think that's
12 what you -- is that what you mean when you say that
13 information has merged?

14 A Yeah. There's been a huge amount of
15 information. There's been many stories, many articles,
16 and also on the news.

17 Q Right, on all facets of the --

18 A Exactly.

19 Q Okay. But to my knowledge, and correct me if
20 I'm wrong, there has been no media account that said
21 Jane Mayer called you up and said Mr. Ickes, I have
22 information that Linda Tripp has been arrested and I
23 want you, Harold Ickes, former deputy chief of staff in
24 the White House, to help me figure out where in the
25 White House her personnel file was. As I understand

1 | it, there has been no story on that. Is that, is that
2 | your understanding? Do you know of any story that --

3 | A No, I don't know of any. There may have
4 | been. There have been a lot of stories written. But I
5 | don't know of any.

6 | Q So, it's not like there's some story out
7 | there that says that that would have merged with your
8 | knowledge? So that the merger issue simply doesn't
9 | apply to whether Ms. Mayer-Hamilton said to you I know
10 | that Linda Tripp was arrested and I want to figure out
11 | if she fudged on a personnel form.

12 | A What's the question?

13 | Q Well, there's no merger on that issue?

14 | A Well, I don't know. You can characterize it
15 | whatever you -- whatever way you want. The facts --
16 | I'm here to testify about facts. You can characterize
17 | and draw your own inferences.

18 | Q Do you know, just generally, any part of the
19 | White House where personnel files -- when you were
20 | there, was there somebody who was in charge of records?
21 | Like, if you had to take annual leave or adjust your
22 | thrift savings plan, any sort of those -- any of those
23 | sorts of personnel issues that we federal employees
24 | deal with, who did you go to?

25 | A Well, there is a division within the White

1 House itself, the Office of Administration, and there's
2 also a separate division, Office of Personnel, headed
3 by different people. A lot of my, you know,
4 association -- I had association with both, but on the
5 type of thing that you're talking about in your
6 question I think would be basically handled by the
7 Office of Administration.

8 Q And who is in charge of that?

9 A Different people at different times. During
10 the time that I was there, I forget who was there
11 initially but after Mr. Panetta became chief of staff,
12 which was mid -- early to midsummer of 1994, Jody
13 Torkelson became the head of the, for lack of a better
14 phrase, department or of Administration.

15 Q All right. And during this time frame,
16 January to the present, '98, January 21, '98, to the
17 present, have you had any conversations with Jody
18 Torkelson?

19 A Since January?

20 Q Yes.

21 A I have seen her socially a couple of times.

22 Q Has there been any reference of Linda Tripp?

23 A There may have been some casual reference
24 because of the fact that Linda Tripp was in the news
25 and we all had worked in the White House. I don't

1 remember any specific conversation with her.

2 Q Any reference to her personnel file that you
3 can remember?

4 A Other than it may -- I don't think -- I'm not
5 sure that I've seen Jody since Ms. Mayer's article. I
6 don't recall any specific conversation with her about
7 personnel files.

8 Q What about prior to Ms. Mayer's article?

9 A What about it?

10 Q Conversations with Jody Torkelson before
11 then.

12 A About?

13 Q About Linda Tripp's personnel file.

14 A I don't, I don't recall any conversation
15 before then.

16 Q Okay. Was there another person? You were
17 mentioning, I think, two -- one was Office of
18 Administration. Was there another person who had some
19 administrative duties that you were referring to?

20 A There's, there's a, again, a unit within the
21 White House, the Office of Personnel, White House
22 Office of Personnel, which is basically -- it was a
23 separate unit from the Office of Administration.

24 Q And who is in charge of that?

25 A During most of the time that I was there -- I

1 forgot who was the first head of that. I think Bruce
2 Lindsey was, if not the head very involved, basically
3 running it. And then a man by the name of Bob Nash
4 came in and took over and is currently still there, as
5 far as I know.

6 Q Did you have any conversations with Bruce
7 Lindsey regarding Linda Tripp's personnel file?

8 A Not that I recall, no.

9 Q And did he ever fax you or send you a copy of
10 her personnel file?

11 A No, not that I -- I have no recollection. As
12 I said, as I testified before, I don't think that I
13 received anything from the White House on Linda Tripp's
14 personnel file.

15 Q All right. And that would include Mr. Nash?
16 He never sent you anything?

17 A Yes, yes. He worked -- he works in the White
18 House.

19 Q And he's never sent you anything. Is that
20 correct?

21 A I have no recollection of it, no.

22 Q And Mr. Blumenthal, has he ever sent you
23 anything relative to Linda Tripp?

24 A No, not -- I have no recollection of
25 receiving anything from Sidney.

1 Q And not her personnel file that you can
2 recall?

3 A No.

4 Q Since the article concerning Linda Tripp's
5 arrest was published in The New Yorker, have you had
6 any conversations, follow-up conversations with Mr. Ken
7 Bacon?

8 A You'll have to give me a time frame on that.
9 I, I think that -- her article was published when, in
10 early March?

11 Q Yeah, about March 13 or 14 is the date that
12 it's published, although there was some advance press
13 on it before it actually comes out in hard copy.

14 A The only conversation that I can recall
15 having with Mr. Bacon is I called him the other day at
16 the Pentagon to ask him what his recollection was as to
17 when the Great Chinese Dinner took place, because I had
18 no recollection, and I had been asked that in the --
19 that was one of the questions asked of me in -- by
20 Mr. Klayman in the Judicial Watch deposition, and the
21 best I could place it was within the last several
22 months. And I called Mr. Bacon and his recollection
23 was sometime in mid-February, but I don't have an
24 independent recollection of that.

25 Q All right.

1 A That's the only time that I recall talking to
2 Mr. Bacon. That was the only thing we talked about.

3 Q Okay. Just to get the time frame, was the
4 Great Chinese Dinner sometime mid-February?

5 A Right. And assuming -- I'm, I'm just taking
6 everybody's word for that.

7 Q Right. And then the Passover dinner --

8 A The Passover dinner --

9 Q -- thereafter?

10 A Yeah, I think I saw Mr. Bacon at a restaurant
11 in Washington, D.C., and again, I can't for the life of
12 me place the time of it. I think it was, it was either
13 before or after the Passover dinner.

14 Q All right.

15 A And I think it was -- I think it may have --
16 well have been after Ms. Mayer's article was published,
17 if it was published in early March. So, I think I -- I
18 think the sequence was the Great Chinese Dinner, saw
19 Mr. Bacon in a restaurant, chatted with him very
20 briefly. He was going out and I went over just to say
21 hello to him. Passover and then the phone call. Those
22 are the four, those are the four -- and that's the
23 sequence that I recall the contacts being with him.

24 Q And what was the name of the restaurant where
25 you saw him just in passing?

1 A It was called -- it's a restaurant called
2 Kincaid's which is on Pennsylvania Avenue in
3 Washington, D.C.

4 Q Okay. And no substantive discussion took
5 place concerning Linda Tripp at that time?

6 A Not, not that I recall. It was just hi, how
7 you doing, what's going on.

8 Q Okay. When you called Mr. Bacon just the
9 other day, did he say anything else about the status of
10 either this investigation or any internal
11 investigations the Pentagon may be doing?

12 A He did not. I just called him and asked him,
13 I said, "Ken, you know, a couple journalists have
14 called me" -- because Larry Klayman does his fund
15 raising by doing a deposition and then he rolls it up
16 on the Internet and goes on "Geraldo." So, he had made
17 my deposition public and he had been on Geraldo Rivera
18 that same night that he took my deposition, and several
19 journalists had gotten a hold of it and -- or heard
20 about it and had called me. And for the life of me, I
21 have no idea when that dinner, the Great Chinese Dinner
22 took place.

23 Q All right. And your follow-up contacts with
24 Ms. Mayer since the article was published, is there any
25 follow up that you've had with her to talk about how

1 the article was received or the alleged Privacy Act
2 violations against Ms. Tripp?

3 A I don't -- I probably have talked to Jane.
4 can't remember when or where. And at best, they were
5 peripheral. I mean, the article was the article and
6 she, you know, I don't recall having any specific
7 conversation with her about it.

8 Q All right.

9 MR. CRANE: I am just about finished.
10 Mr. Page or Mr. Barger, did you have anything further
11 relative to, to this issue?

12 BY MR. CRANE:

13 Q Oh, let me just ask you this. I always think
14 of something as soon as I say I'm going to finish. Do
15 you have any understanding of what the Privacy Act is?

16 A No, other than, other than its title and the
17 implications of its title. I know nothing about the
18 details of the Privacy Act. My assumption is it's --
19 it governs certain kinds of records that are to be kept
20 private, but I am certainly -- I'm not even a neophyte
21 about it, much less an expert.

22 Q During your tenure in the White House as
23 deputy, deputy chief of staff and advisor to the
24 President, do you know of any occasion in which a
25 personnel file on an employee was released without

1 their consent?

2 A The only thing that I can recall is the, the
3 Great FBI File Fuss, and you all know more about that
4 than I do probably. At least I hope you do.

5 Q All right.

6 A But other than that, no, no.

7 Q Do you know of any other occasion, you know,
8 putting aside that matter, in which someone went and
9 looked at the file of an employee who might be thought
10 to be a troublemaker, somebody had a grudge against,
11 and get something and then release that information to
12 a journalist to sort of dirty them up, if you will?

13 A I don't recall. There may have been some
14 stuff in newspaper articles, but I don't, I don't have
15 any direct knowledge, and I don't even recall reading
16 anything in the press about it.

17 Q All right. Let me ask you this. To my
18 knowledge, and is this accurate, there haven't been any
19 Privacy Act scandals, if you will, in this
20 Administration until this incident. Is that your
21 understanding or is there some that I -- one that I've
22 overlooked?

23 A That's my understanding, with the exception,
24 obviously, of the FBI fuss.

25 Q All right. And do you have any knowledge of

1 FOIA, Freedom of Information Act, and what sort of
2 files it, it protects?

3 A No. I know, I know that lawyers make a great
4 living out of it but other than that, I know almost
5 nothing.

6 MR. CRANE: All right, I think I have no
7 further questions if Mr. Barger or Mr. Page wanted to
8 follow up.

9 MR. BARGER: Yeah, I have -- I do have some
10 questions and I believe Mr. Page has some questions,
11 too.

12 BY MR. BARGER:

13 Q Let me sort of work chronologically
14 backwards. The phone call you had with Mr. Bacon, do
15 you recall anything else about the conversation other
16 than what you've related? In other words, that you
17 asked him when the Chinese dinner took place?

18 A No, that's -- best my recollection, that's
19 all, that's all I wanted to find out. And he's a busy
20 person and I'm busy, so it was --

21 Q Did he, did he ask you any questions or say
22 anything else to you besides what you had asked him?

23 A No. I mean, I may have just because he's a
24 friend, said -- you know, I may have said how you doing
25 and he typically says okay. But the sole purpose -- it

1 was a very, very short phone call, I would say less
2 than a minute.

3 Q Do you remember when, approximately, the
4 phone call was?

5 A It was after the Klayman deposition which
6 was, what, two weeks ago and --

7 Q Approximately how long after would you
8 estimate?

9 A I can't remember. I would say four or five
10 days following, roughly.

11 Q Did you take any notes of your conversation
12 with Mr. Bacon?

13 A I did not.

14 Q If we could just go back, you earlier
15 testified -- I'm not saying these exact words but
16 basically to the effect that you didn't receive
17 anything from the White House on her personnel file.
18 Let me deal briefly with that topic, just to make sure
19 we're covering the universe here. And it may have the
20 question was, may have been the question was did you
21 receive anything from the White House. I just want to
22 make it broader. Did you receive -- as best you
23 recall, did you receive any, any documents, any written
24 material concerning Linda Tripp from anyone, excluding
25 newspaper articles?

1 A I think I said in response to that I may
2 have. From time to time, the White House does send out
3 so-called talking points. From time to time, very
4 infrequently, I have received talking points from the
5 White House. I don't recall receiving anything in
6 connection with Linda Tripp. And since I'm a pack rat,
7 I generally would have kept something like that and I
8 found nothing in my files. So, I guess the short of it
9 is I can't guarantee that I didn't receive anything,
10 but I don't recall it and I certainly -- I don't have
11 it.

12 Q As best you recall, you did not?

13 A Right.

14 Q And you mentioned the White House sending you
15 materials on occasion. That actually prompts another
16 question.

17 A On rare occasion.

18 Q And let me limit it to January 1st of '98 to
19 the present.

20 A Right.

21 Q In general, how often would you estimate the
22 White House sends you what you call talking points?

23 A It's --

24 Q And again, limited to January to the present.

25 A Right. I would say no more than three or

1 four times in that period.

2 Q When you, when you, when you get it, who, who
3 takes the -- who sends it to you? When we use the
4 White House, it's like --

5 A No, no. No, no, it's a good question. I
6 think they're usually distributed by, by the Office of
7 Communications which is headed up by Ann Lewis.
8 That's, that's my understanding. I mean, I would --

9 Q Are these things that are sent only to you or
10 what -- or are these items that are made available to
11 the public or -- I mean, what is your understanding of
12 who the talking points are to be distributed to?

13 A Again, you'd have to ask Ms. Lewis. My
14 understanding is that they are distributed to people
15 like myself who are talking to the media, to the press
16 in connection with these issues.

17 MR. BARGER: Is there a knock on the door? I
18 thought I heard something.

19 GRAND JUROR: No, it's --

20 MR. BARGER: Oh, I'm sorry. Creaky bench?
21 I'm sorry.

22 BY MR. BARGER:

23 Q And when you say talking to the, talking to
24 the press or the media, I take it that, that this is a
25 selective group to whom the White House distributes the

1 talking points. In other words, I assume they don't
2 distribute them to people they perceive to be hostile
3 to their interest in talking to the press. Is that
4 fair to say?

5 A I think not. And the more Grand Juries there
6 are, the fewer people that are even willing to take
7 anything from the White House.

8 Q Because they might get subpoenaed.

9 A Well, they might well.

10 Q And going back --

11 A They'll need \$10,000 in lawyer's fees.

12 Q Now, you mentioned lawyers and lawyers' fees.
13 Just for the record, you're represented by, I'm sorry,
14 Ann --

15 A I'm represented by the law firm of Skadden,
16 Arps, and Amy Sabrin is my lawyer.

17 Q Is anybody else besides Amy representing you,
18 not necessarily just today but in general in your, in
19 your appearances?

20 A Yes. Robert Bennett, also of that firm, and
21 a, another lawyer by the name of Lily Arbab, A-R-B-A-B.

22 Q And Mr. Bennett, of course, has some
23 notoriety for another client. Fair to say?

24 A That's a characterization but I, I might even
25 agree with you on that.

1 Q Okay. I know it's a big stretch to -- if you
2 agree with that. And that would be the President,
3 correct?

4 A Yes. Yes, he does represent the President.

5 Q Going back to your meeting with --

6 MR. CRANE: I'm sorry, Mr. Barger, if I could
7 just interrupt before we lose that train of thought.

8 BY MR. CRANE:

9 Q On that issue, you're represented by the law
10 firm of Skadden, Arps and these three lawyers in
11 particular. Do you have or have you consented to a
12 joint defense agreement with other witnesses?

13 A That's a good question. You'll have to ask
14 Amy. I, I think she does talk to other lawyers.
15 Whether that -- whether there's a formal joint defense
16 agreement, I'm not sure. You can ask her.

17 Q Okay. But the attorney/client privilege, as
18 I'm sure you're aware, protects any confidences which
19 you may share with Amy Sabrin, Bob Bennett, Lily Arbab.
20 So, in order for them to, to breach that, share your
21 confidences with others, they must have your consent.
22 So, my question to you is have you given them your
23 consent, expressly or otherwise, yes Ms. Sabrin, yes
24 Mr. Bennett, share this with anyone whom you please or
25 with the President, with, with other people?

1 A Well, you'll have to -- you would have to ask
2 her. My best -- they've represented me since early
3 1994 when I was first subpoenaed by the Independent
4 Counsel, then Mr. Fiske, and I have testified -- I've
5 received dozens of subpoenas and testified, including
6 today, probably over 20 times in that time period. So,
7 you will have to -- I, I literally -- I'm not trying to
8 duck the question, I just -- I don't know. We have a
9 very close relationship and they do on that kind of
10 thing what they think is best for me. So, you're just
11 going to have to ask Amy.

12 Q All right.

13 MR. CRANE: Mr. Barger.

14 BY MR. BARGER:

15 Q Going back to your meeting with Ms. Mayer, I
16 don't know if you testified to this. Did you testify
17 approximately how long did the meeting last? This is
18 the in-person meeting.

19 A I testified that there were -- that I recall
20 two. They lasted, I think, no more than 10, 15
21 minutes, as best as I can recall.

22 Q Those were at your office?

23 A Yes.

24 Q Did you take notes when she met with you?

25 A No.

1 Q When she talked with you over the phone, did
2 you take notes?

3 A No.

4 Q Is there any particular reason why you didn't
5 take notes?

6 A I wasn't eliciting information. She was
7 eliciting information from me, and I had precious
8 little to give her.

9 Q Okay, I'm sorry. She was eliciting
10 information from you, you weren't eliciting information
11 from her.

12 A No.

13 Q So, you didn't see the need to take notes.

14 A Right.

15 Q Do I understand that?

16 A Yes, that's correct.

17 Q What are you doing today?

18 A I'm taking notes.

19 Q And we're eliciting information from you?

20 A Yeah.

21 Q Correct?

22 A Right.

23 Q In your experience at the White House --

24 A But I intend to debrief my attorneys, as you
25 know.

1 Q All right. And they may share it if they
2 believe it's in your best interest?

3 A If, if they believe it's in my best interest.

4 Q In your experience working at the White
5 House, was it ever discussed over the course of time
6 whether it was a good idea or bad idea to take notes?

7 A Well, I think, I think it came to dawn on
8 many of us that it was not a great idea to take notes.

9 Q Because they might be subpoenaed by --

10 A Given --

11 Q -- Independent Counsel?

12 A -- the hundreds of subpoenas that were being
13 distributed by Independent Counsel, other agencies, and
14 the Congress. So, I think that there was a distinct
15 reduction in taking of notes.

16 Q And by distinct reduction, that suggests a
17 conscious decision. Fair to say?

18 A I think certainly on my part.

19 Q Okay.

20 A I can't speak for others.

21 Q All right. The meeting -- and I'm sorry, and
22 that's all I'm talking about, on your part. The
23 meeting with the President that was alluded to or asked
24 about earlier in your testimony, did you take notes at
25 that meeting?

1 A I did not.

2 Q And you testified, I believe that the entire
3 meeting lasted approximately, I want to say around an
4 hour?

5 A In that neighborhood, yeah. It was, it was,
6 as I say, very early Monday morning.

7 Q And this -- and your recollection, at least
8 as I understand it, was this, this Monday morning
9 meeting was very shortly after the, the Monica Lewinsky
10 story broke in the media?

11 A Yes. My recollection is that she -- the
12 story broke the middle of the prior week. I was in
13 California the latter part of that week giving a
14 speech. And then when I came back, I went over to see
15 the President.

16 Q And when you went over to see the President,
17 I'm sorry, was that at his request?

18 A Yes.

19 Q And I mean his, I mean was a request made
20 personally by him or was it made by somebody else on
21 his behalf?

22 A Well, I had talked with him on the telephone
23 when I was in California, a very brief conversation,
24 and he asked if I would -- if I had time if I would
25 meet with him when I got back. And I can't recall

1 | whether the -- I think the details of the meeting were
2 | probably set up through his office.

3 | Q Prior to the meeting with the President, did
4 | you talk with Mr. Kanter?

5 | A Prior to the meeting with the President?

6 | Q Yes.

7 | A I did not. I'm quite sure I didn't.

8 | Q All right. You testified earlier about there
9 | was a point in time when you had some conversations
10 | with Mr. Kanter and you generally discussed, at least
11 | as I understand it, basically what, what kind of role
12 | you might take?

13 | A Yes.

14 | Q And that -- as best you recall, that occurred
15 | after your meeting with the President?

16 | A I'm quite sure that occurred after the
17 | meeting.

18 | Q And I apologize that --

19 | A That's all right.

20 | Q -- I'm not recalling this. Did -- was
21 | Mr. Kanter present at the meeting with the President?

22 | A That early Monday morning meeting?

23 | Q Yes.

24 | A He was not.

25 | Q At that meeting with the President, how much

1 | would you estimate of the hour's meeting was taken up
2 | with a discussion of the -- I don't know exactly how to
3 | call it except the Monica Lewinsky topic which
4 | encompasses Linda Tripp, Monica Lewinsky. How much of
5 | that hour's meeting would you estimate was taken up
6 | with that sort of current event?

7 | A Well, it was -- I would say probably about
8 | half of it. I mean, the President is notorious for
9 | talking about a lot of different subjects and he --
10 | when -- typically, when I've talked to him he focuses
11 | on a variety of different subjects. But I would say
12 | it's fair to say that probably half the time was spent
13 | on a discussion about that current situation. I mean,
14 | he, he had asked for my assessment of what I thought,
15 | and so it was back and forth along those lines.

16 | Q What was -- and it may be implicit in some of
17 | the answers you've given, but what was, what was your
18 | purpose in going to the meeting? I mean, was the --
19 | was your purpose in going to the meeting because of
20 | this Monica Lewinsky topic?

21 | A I went to the meeting because the President
22 | of the United States asked me to come.

23 | Q And as you understood it, the reason he asked
24 | you to come was because of this breaking -- this story
25 | that had just broken?

1 A That was my assumption, yes.

2 BY MR. CRANE:

3 Q Okay. Let me just ask you, Mr. Ickes, if
4 this is a fair evaluation of the situation in early
5 January, after the Lewinsky/Tripp tapes were revealed,
6 that the White House was reaching out to its former
7 advisors, the best and the brightest, to sort of bring
8 them back home, which -- is that accurate or
9 inaccurate?

10 A Well, you could say for those of us who came
11 back home it was not necessarily the best and maybe the
12 dumbest. But putting that aside for the moment, I
13 don't want to characterize best and brightest because
14 that has a whole connotation on its own. But again,
15 putting that aside, I, I think it's fair to say that
16 the President and the First Lady were, were in contact
17 with some of the people that they thought they wanted
18 to ask advice of and get their advice -- and get advice
19 from.

20 Q And that would include you and Mr. Kanter?

21 A It would have included myself, Mr. Kanter,
22 Mr. Thomason, and there may have been others that I
23 don't know about. I hope that, to use your phrase, the
24 best and the brightest included a bigger group than
25 that.

1 Q And I just have -- I know you've already
2 asked this and I don't mean to badger you, but you said
3 you're not getting paid in -- essentially, in any way
4 shape of form --

5 A No.

6 Q -- by the President or by Mr. Kanter?

7 A No. Or by the White House or by -- no.

8 Q All right. So, you're doing this essentially
9 out of loyalty. Is that correct? Loyalty to the White
10 House, loyalty to your friends?

11 A I'm doing this because the -- because I have
12 been the President's friend for over 25, close to 30
13 years. I have a great deal of admiration for him and I
14 like him. I worked for him. I think he's done a lot
15 of good for the country. And he asked me -- he asked
16 my advice and he asked me to work with Mickey on this.

17 Q All right. So, is it fair to say you're
18 amongst his most loyal advisors, former advisors,
19 supporters, and friends?

20 A Well, I, I don't want to characterize myself.
21 I mean, that's, that's, that's a characterization which
22 you and members of the Grand Jury can draw. I've known
23 him for a long time and I have a high regard for him.

24 Q Okay. But you --

25 A I consider him my friend.

1 Q You consider him your friend and you consider
2 yourself a loyal friend of the President?

3 A Yes.

4 BY MR. BARGER:

5 Q Did you -- and I apologize if you did. Did
6 you state who was at this meeting at the White House?

7 A Yes, I did.

8 Q I'm sorry. Who was -- just for my benefit --

9 A When I first walked into the room there
10 was Roger Clinton --

11 Q Oh, that's right.

12 A -- who is the President's -- there was
13 another fellow there who's a -- he'll kill me if he
14 reads this transcript and I don't remember his name.
15 He's basically a writer and he lives in Baltimore. I
16 can't remember his name. And Mr. Thomason were there
17 when I first walked in.

18 Q At that particular -- at that meeting, did
19 the President say anything about whether Mr. Kanter
20 would have a role in handling or participating in or
21 dealing with this, this sort of -- this latest crisis
22 or controversy involving Monica Lewinsky?

23 A He told me -- the best that I can recall, he
24 told me that Mr. Kanter's firm had been retained, that
25 Mr. Kanter had a lawyer/client relationship in

1 connection with this situation and that Mr. Kanter and
2 his firm would be working on this matter with other
3 lawyers that were working on it.

4 Q And as I understand, the President then
5 suggested or discussed with you or asked you to, to
6 talk with Mr. Kanter to see how you might participate
7 or, or get involved. Is that, is that a fair --

8 A Well, I don't know if he suggested. I think
9 we -- I think I suggested to him that I would talk to
10 Mickey. I told the President he had enough lawyers
11 cluttering up his life, I didn't -- although I probably
12 could have had a lawyer/client relationship, I did not
13 see any usefulness to it from his point of view or from
14 mine and that I would talk to Mickey about what I could
15 do that might be useful.

16 Q And I believe at some point you -- I don't
17 know if I have the phrasing exactly right, but you
18 agreed that you would -- that your role and that you
19 spend most of your time talking to reporters or the
20 media, but my question has to do with is that something
21 you discussed with the President or Mr. Kanter or both?

22 A I certainly discussed it with Mr. Kanter. I
23 may well have said to the President that that is
24 something that I would talk to Mickey about. But
25 again, the President and I did not go into gory detail

1 | about what I was going to do because I think both of us
2 | agreed I should talk to Mickey first.

3 | Q Okay. And as you recall it, the President
4 | said something to you at that meeting, words to the
5 | effect I did not have -- tell me, as best you recall,
6 | the words the President used about describing what he,
7 | what he didn't do with Ms. Lewinsky.

8 | A The two things that I recall, the two things
9 | that he again repeated in public -- had already said
10 | publicly and repeated in public that same Monday
11 | morning was that he had not had -- he did not have a --
12 | or he had not had a sexual relationship with
13 | Ms. Lewinsky and that he had done nothing -- now I'm
14 | paraphrasing -- had done nothing to ask anybody to
15 | change their story or suborn perjury or obstruct
16 | justice.

17 | Q And was that -- was his statement to you
18 | about that, was that in response to a question you
19 | asked him or was that something he volunteered to you?

20 | A I, I don't recall. It was -- look, this
21 | happened a long time ago. It was, it was very late at
22 | night. I had just come back from California. Whether
23 | he volunteered it or whether he asked -- whether I
24 | asked him specifically, I -- my recollection is he
25 | volunteered it but I don't know that as a fact.

1 Q Did you get any sense of why he felt it
2 necessary to volunteer that to you? I mean, you just
3 said you were a close friend of his for many, many,
4 many years. You were a trusted friend. What prompted
5 him to feel the necessity to tell you that --

6 A You'll have to ask --

7 Q -- as you understand it?

8 A Assuming that I didn't ask him and that it
9 came from him voluntarily, you'll have to ask him. I
10 can only speculate and my speculation would be that
11 this was at that time a very newsworthy, very difficult
12 issue. And there was even speculation over the
13 weekend, the weekend being the weekend that I talked to
14 him, about whether his Presidency could weather this
15 and it struck me natural that either I asked him or he
16 said it.

17 Q Well, you used, you used a phrase or in
18 answering the question you said basically you'd have to
19 ask him. Has -- do you have any reason to believe that
20 the President is willing to, to allow us to ask him
21 that question?

22 A That's something you'll have to ask the
23 President.

24 Q Well, that's somewhat of a tautology, isn't
25 it, to --

1 A No, it's not a tautology at all. I don't
2 know what the President -- I don't have lawyer/client
3 relationship with him and I don't discuss what his --
4 how he's going to handle this legally.

5 Q No, I understand that, but my question is do
6 you have reason to believe he wants to answer that
7 question --

8 A Well, my -- I'm sorry, I interrupted. You
9 finish your question.

10 Q I apologize. Do you have reason to believe
11 that he wants to answer that question if posed by a
12 Grand Jury?

13 A Which question?

14 Q The one you said I'd have to ask him.

15 A Well, I said that to two questions, one,
16 whether he would testify and one -- well, why don't you
17 just start over again because I'm now lost on which
18 question we're talking about.

19 Q Fair enough. I think I'm sort of lost, too.
20 Well, I'll just ask it more generically --

21 A Okay.

22 Q -- because, because in, in answering the
23 question -- and maybe it's just -- it just may be a
24 mannerism of speaking and perhaps it wasn't really
25 meant, but you used something to the effect you'd have

1 to ask the President. I guess my question is in light
2 of sort of the controversy surrounding whether a Grand
3 Jury can ask a President, a sitting President these
4 kinds of things, do you have reason to believe that he
5 wants to answer these questions if posed by a Grand
6 Jury?

7 A Answer those questions before a Grand Jury?

8 Q Correct.

9 A I have not discussed that with him. I
10 consider that part of the legal lawyer/client
11 relationship. And so, I have not asked him that, nor
12 has he volunteered it to me.

13 BY MR. CRANE:

14 Q What about with your talks with Mr. Kanter?
15 Has he asked you to talk to reporters on the issue of
16 whether the President ought to testify before a Grand
17 Jury or, or simply answer questions about the
18 Lewinsky/Tripp matter?

19 A And your question is what?

20 Q Has Mr. Kanter given you guidance or a party
21 line that this is something that the President should
22 answer, will answer?

23 A No.

24 BY MR. BARGER:

25 Q Now, after, after the meeting with the, the

1 President at the White House, I take it there came a
2 time when you did talk to Mr. Kanter about basically
3 how you might be able to assist the President or
4 something to that effect?

5 A Yes.

6 Q Approximately how long after did you talk
7 with Mr. Kanter? How long after the meeting? The same
8 day?

9 A I don't think it was the same day, I think it
10 was -- because the President was giving the State of
11 Union. I don't know where Mickey was. It was -- my
12 best recollection, it was within -- it was in that
13 week, that week being the week starting the Monday that
14 I had the conversation with the President.

15 Q Did you take any notes of your conversation
16 with Mr. Kanter?

17 A I don't think so.

18 Q And as you understood it from Mr. Kanter,
19 basically your role would be, I think, to spend your
20 time talking to the media?

21 A Primarily with the media, some, some with
22 supporters. I mean, there were supporters who were --
23 wanted to know what was going on and what the White
24 House was saying and trying to sort stuff out. But it
25 was basically with the media.

1 Q In general, in general, in talking with the
2 media, what did you see -- I don't know how to ask this
3 question. Basically, what did you see your role to be
4 or what did you see the purpose to be? Did you see the
5 purpose to be, to, to use your phrase, to portray facts
6 to the media or did you see your role as something
7 else?

8 A My role -- I saw my role as twofold. One,
9 the media is just like all the rest of us, they often
10 are focused on different stories and then they get --
11 they, they move their focus to another story. And to,
12 one, to talk through with them facts, different
13 theories, and also to find out what stories they were
14 working on.

15 Q Now, did you attempt to do that with
16 Ms. Mayer or did she come to you about this -- about
17 the Linda Tripp story?

18 A Oh, the Linda Tripp, my best recollection is
19 she came to me. I knew very little about Linda Tripp.

20 Q And the meeting, would it be fair to say,
21 basically you -- I believe you covered this earlier,
22 but you basically made it known to her that you really
23 didn't know much about her, you may have met her at the
24 White House but beside that, besides that you really
25 had very little information to provide on her. Fair to

1 say?

2 A Yeah, that's an understatement. I knew
3 virtually nothing about her, other than what you just
4 recited and that she worked at the Pentagon.

5 Q Did -- after you, after you let Ms. Mayer
6 know basically how little you knew that could help on
7 the Linda Tripp topic, did she, did she ask you -- for
8 example, did she ask you who she might be able to go to
9 to get more information?

10 A I don't think she did. I mean, I, I don't
11 recall her asking me. I mean, typically, these
12 reporters have lists of people that they're going to go
13 to and they know pretty well who they're going to see,
14 but I had no information about who Ms. Tripp knew. I
15 didn't know who her friends were, I didn't know who
16 knew her, I didn't know who talked to her. I knew
17 almost nothing about her.

18 Q As you understood it, or did you, did you
19 understand that part of what Mrs. Mayer-Hamilton was
20 looking for was to see if Ms. Tripp had lied on her FBI
21 background check about an apparent prior arrest?

22 A Again, I think I've answered that three or
23 four times but, again, just we can get through this --

24 Q Right.

25 A -- I don't recall her -- she may have raised

1 it but I have no recollection as I sit here today that
2 she raised this arrest situation.

3 BY MR. CRANE:

4 Q Mr. Ickes, you said that one of your, your --
5 part of your role or one of your duties is to talk to
6 reporters about factual information. Do you also talk
7 to lawyers of other individuals, witnesses involved in
8 the Lewinsky/Tripp matter?

9 A Do I?

10 Q Yes.

11 A No. I think the only -- you mean do I
12 actually -- well, let's --

13 Q Other than your own lawyers?

14 A I mean, I talk to a lot of, I talk to a lot
15 of people and a lot of them include lawyers because
16 this town is littered with lawyers. To my knowledge, I
17 don't -- with rare exception, I have not talked to
18 lawyers who are actually representing witnesses,
19 subjects, targets, defendants, call them what you will,
20 in connection with this investigation. Not to say I
21 haven't talked to some, but with very rare exception.

22 Q All right. What about talking with private
23 investigators or fact checkers, anyone under the
24 general rubric of private investigator? Have you had
25 any conversations with anyone like that since

1 January 21 to the present?

2 A The only private investigator that I know
3 that I've talked to is an old friend of mine, Terry
4 Lenzer. And I have talked to him but not about this
5 subject.

6 Q This subject being Lewinsky/Tripp?

7 A Right, yeah.

8 Q And in particular, just to follow up, to make
9 a clean record, no talk about finding out background
10 information about Linda Tripp with Mr. Lenzer?

11 A No.

12 Q And have you retained his services?

13 A Have I personally retained his services?

14 Q Yes.

15 A No.

16 Q Do you know if any other person --

17 A Can't, can't afford him.

18 Q Do you know if any other person has retained
19 his services reference Lewinsky/Tripp?

20 A It's been, it's been stated in the press that
21 the President's lawyers, either Mr. Kendall or
22 Mr. Bennett or perhaps both, have retained his
23 services, but in connection with what I don't know.
24 And I don't even know as a fact whether they've done it
25 or not.

1 Q Okay. Have you had any conversations with
2 Mr. Kendall?

3 A Have I talked to Mr. Kendall? On very rare
4 occasion I talk with him.

5 Q Since January 21?

6 A Yes.

7 Q What do you talk to him about?

8 A I typically talk to him about what's going
9 on, how's it look. He's very circumspect and I have no
10 reason to believe that he's ever given me any
11 information that I didn't -- let me back up. He's
12 never given me any information I didn't already know
13 from the press, but basically it's -- I call him just
14 to check in with him. I've worked with him since 1994
15 and consider him a friend.

16 Q Okay. In your conversations, what have you
17 told him?

18 A Nothing, other than, you know, things are
19 carrying on. But if you know David Kendall, you know
20 that he's circumspect beyond belief and it's nothing
21 more than generalities and bordering on pleasantries.

22 Q And what have you told him?

23 A I have told him on a couple of occasions what
24 I was picking up from the press, where they're headed
25 or where some of the press is headed, what some of the

1 thinking is.

2 BY MR. BARGER:

3 Q You said you've worked with Mr. Kendall since
4 1994. What does that mean? Does that mean in
5 connection with the --

6 A Well, working with is probably, is probably
7 the wrong phrase because it implies a -- I've worked
8 with him because he has represented the President, as
9 you know, beginning, I think, relatively early in 1994.
10 So, I've worked with -- that's when I first met David
11 and have worked with him in that connection or in that
12 regard.

13 Q You also, in answering a question about
14 Mr. Lenzer, I believe you said you did not personally
15 retain Mr. Lenzer, and I just wanted to make sure
16 whether, whether the use of the word personally had --
17 I'm saying that would suggest that maybe someone else
18 did, directly or indirectly, for your benefit, and I
19 just want to sort of cover that base there. And your
20 answer was I have not personally retained Mr. Lenzer.

21 A Right.

22 Q Have you, directly or indirectly, retained
23 Mr. Lenzer or, or the investigative firm for which he
24 works?

25 A We're talking about this time period now?

1 We're talking this Linda Tripp -- in this, in this
2 connection, in this --

3 Q Well, yeah. That, that implies that maybe
4 you have at an earlier time, so I'll limit it to
5 January 1st of '98 to the present.

6 A No.

7 Q Has he, has he worked for you, directly or
8 indirectly?

9 A No, he has not.

10 Q And I won't get into the subject matter, but,
11 but your answer suggests that at an earlier time you
12 may have, directly or indirectly, retained Mr. Lenzer
13 or his investigative firm.

14 A No, I have not --

15 Q Have you done so?

16 A No, I have not.

17 BY MR. PAGE:

18 Q Mr. Ickes, did you personally get a copy of
19 the subpoena that called for you to produce any and all
20 documents and things referring or relating to the
21 release of Linda Tripp's personnel file, including but
22 not limited to notes, memos, and any other
23 correspondence, but excluding newspaper clippings or
24 press files?

25 A That's the subpoena that your colleague

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1 handed me earlier?

2 Q Correct.

3 A Yes.

4 Q You personally got a copy of that?

5 A Well, I, I got a copy of it from my attorney.

6 I think it was served -- I think it was actually given

7 to Bob or served on Bob Bennett's office. I mean, you

8 guys --

9 Q I represent that that's accurate, it was
10 served on Mr. Bennett.

11 A Yeah. And then Ms. Sabrin called me and said
12 that I had received yet another subpoena and she faxed
13 it over to me.

14 Q So, you did personally get a copy --

15 A Yes. Yes, I did.

16 Q -- for your own?

17 A I did.

18 Q And pursuant to that, you searched your
19 records?

20 A Yes.

21 Q Is this at your office of Ickes and Enright?

22 A Yes.

23 Q As well as other locations that you might
24 have had documents or things responsive to the
25 subpoena?

1 A The only places that I would have documents
2 responsive to the subpoena would be at my home and at
3 my office. Both of those were searched.

4 Q You said earlier that you found nothing in
5 your files, correct?

6 A Yes. Whatever, whatever has been produced
7 has been produced.

8 Q And the extent of your production today is
9 the deposition that you gave to Mr. Klayman, correct,
10 on May 21, 1998?

11 A Yes.

12 Q Your search revealed no other documents or
13 items that were responsive to the subpoena?

14 A No.

15 Q Did you have any items that you came across
16 as you searched your files that you debated whether or
17 not they were responsive to the subpoena?

18 A No. On something like that, I -- my general
19 rule is if I think it's debatable, if I think it's
20 within shoulder-rubbing distance, I give it to Amy and
21 let her make the call.

22 Q So, is it safe to say then that there were no
23 debatable items as you searched your files at home and
24 at work?

25 A As -- I did not find anything in, in my

1 search other than newspaper articles, which were
2 specifically excluded.

3 MR. BARGER: Ed, I have to follow up, just to
4 cover the bases.

5 BY MR. BARGER:

6 Q The subpoena language would include records
7 or documents or things that are described that would
8 have been turned over to, to other people and may not
9 physically be at your, at your office but over whom you
10 would exercise control, such as your attorneys. I
11 mean, are there records that are called for by the
12 subpoena that were not at the location that you
13 searched or do you have reason to believe that there
14 were records at a different location called for by the
15 subpoena?

16 A I don't think that -- I have no reason to
17 believe that there were because this whole thing came
18 to being long after I left the White House. But my
19 attorneys have 50 or 60 boxes of documents and
20 Ms. Sabrin would -- I would have relied on her to
21 search, and I think that she did have somebody conduct
22 a search. I have no reason to believe that there was
23 anything in those 50 or 60 boxes that pertained to
24 Linda Tripp or Monica Lewinsky.

25 Q Okay. So, the lawyers had some records in

1 their possession that were your records?

2 A Some is an understatement.

3 Q Okay. And if they were called for by the
4 subpoena, it was their responsibility --

5 A Yes. Yeah.

6 Q Very well. Let me turn to a different topic,
7 going back to Mr. Bacon briefly. As I understand it,
8 you had, I believe, two dinners at which Mr. Bacon was
9 present, both at Mr. Cohen's house after the Monica
10 Lewinsky topic --

11 A Yes.

12 Q -- broke. How many dinners did you have with
13 Mr. Bacon prior to January of '98? How many times have
14 you had dinner with Mr. Bacon prior to the Monica
15 Lewinsky topic breaking?

16 A Probably, at the most, since coming to
17 Washington when I first met him, which was early --
18 when I first came to Washington -- I came to Washington
19 early '94. I don't recall meeting Mr. Bacon -- I may
20 have met him a long, long time ago because he's been a
21 friend of Cohen's, I think, for a number of years, even
22 when he was at The Wall Street Journal. I think I've
23 had dinner with him no more than two or three times, at
24 the most.

25 Q Between '94 and '98?

1 A Yes, between '94 and the end of '97, because
2 we covered the '98 period in the other questions.

3 Q And I think it's fairly clear from what
4 you've said, but that Mr. Bacon is more Mr. Cohen's
5 friend than he is yours?

6 A Yes.

7 Q All right. Who else was at -- taking the
8 Seder dinner first, who was at the -- it may not be --
9 who was at the Passover dinner besides Mr. Bacon,
10 Mr. Cohen, and yourself?

11 A There were a number of people, some of whom I
12 know or some of whom I recall. Mr. Bacon's wife, my
13 wife, my daughter, Mr. Cohen's children, Mr. Cohen's
14 father and mother, Mr. Cohen's brother and his son.
15 There were various other creatures there but I can't
16 recall. That's -- those are the people that I recall.

17 Q And on the first dinner, the Chinese or
18 possibly Thai food --

19 A It was -- or Indonesian. I don't want to
20 be -- on this. It was -- my recollection, it was
21 Mr. Bacon, Mr. Cohen, and myself. I do not think any
22 of our children were there. Mr. Cohen has two

1 Q When you gave your deposition on May 21st,
2 did Mr. Klayman ask you to bring anything, such as
3 records, documents, things that related to the matter
4 that he was inquiring about?

5 A Mr. Klayman purported to have served on me a
6 subpoena of 19 -- I think 19 pages in length, 64
7 paragraphs. One paragraph was A to Z, double A to
8 double Z, triple A to triple Z, quadruple A to
9 quadruple I. So, he asked me to bring the kitchen
10 sink, virtually all of which was irrelevant.

11 Q So, you brought documents --

12 A We submitted, I think, some 400 pages of
13 documents to Mr. Klayman.

14 Q I'm sorry?

15 A I think we submitted some 400 pages of
16 documents to Mr. Klayman.

17 Q Earlier, you mentioned your consulting
18 business, Ickes and Enright, correct?

19 A Yes.

20 Q And you said, to paraphrase, that you helped
21 people with problems in Washington, D.C.

22 A Right.

23 Q Correct?

24 A Yes.

25 Q Can you tell us what that means?

1 A Well, we have, we have different -- we have,
2 I don't know, 10 or 11 clients who retain us to do work
3 for them in Washington, D.C., with the Congress, with
4 the Federal Government, and some public relations.

5 Q Can you give me a day in the life of your
6 consulting firm? I really don't understand what
7 precisely you do?

8 A I got up this morning. I read Mr. Klayman's
9 deposition, then I came over here. That's one day in
10 my life.

11 Q Let's go --

12 A I will then leave here and probably go back
13 and have another subpoena. It's, it's quite varied,
14 but we represent different clients and --

15 Q Can you give us a representative client that
16 you're willing to talk about?

17 A Well, we represent the Government of Puerto
18 Rico, we represent the Greater Hospital Association of
19 New York which represents, I don't know, 170 hospitals
20 in New York. We're not the only person that represents
21 them here, but we do that. We represent the New York
22 City Council. We represent the Crop Protection
23 Association that is having -- involved in, in -- with
24 the Environmental Protection Association and the
25 regulation of pesticides. Those are the kinds of

1 | things that we -- kinds of clients and kinds of things
2 | we do.

3 | Q And do you do lobbying work for them?

4 | A We do. Lobbying is a very broad definition
5 | and we have registered. We are registered lobbyists
6 | for a number of the clients.

7 | Q Now, you mentioned earlier in your testimony
8 | that you were out in California the week before the
9 | Monica Lewinsky -- actually, during the week that the
10 | Monica Lewinsky --

11 | A Yes.

12 | Q -- story broke, correct?

13 | A Yes.

14 | Q And how did you first learn about the event?
15 | Was it through the media?

16 | A I, I'm quite sure it was through the media.
17 | Here's what I can't recall: I can't recall whether I
18 | left for California on either, either Wednesday or
19 | Thursday. My recollection is that this -- the Monica
20 | Lewinsky thing broke Wednesday, and I can't recall --
21 | I'd have to look up to see whether I was in an airplane
22 | going to California that afternoon or didn't leave
23 | until Thursday, but that's -- I found out about it
24 | through the media is my best recollection.

25 | Q And you were out there giving a speech?

1 A Yes.

2 Q And for whom did you speak?

3 A It was an organization called the Knight
4 Fellows, K-N-I-G-H-T Fellows, which is a -- for
5 journalists at Stanford University, similar to the
6 Neiman Fellowship at Harvard.

7 Q At Stanford?

8 A At Stanford, yes.

9 Q So, you're in -- what's that town?

10 A Palo Alto.

11 Q Palo Alto. And you hear about the Lewinsky
12 matter through the media, either television or
13 newsprint?

14 A That's my best recollection, yeah. It, it
15 moved pretty fast.

16 Q When you read about that, what's your first
17 impression?

18 A My first impression was that it was -- it
19 could be a very serious situation for the President.

20 Q Were you sad? Glad?

21 A I didn't know the facts, so I didn't know
22 whether I was sad or glad. But I do know, given my
23 experience in, in my short tenure in Washington, having
24 dealt with a lot of the so-called controversies or
25 scandals, whatever word you want to portray, starting

1 with Whitewater, going through commodities, going
2 through File Gate and every other kind of gate,
3 including the, including the campaign finance
4 investigations -- and as I've said, I've testified at
5 least 20 times under oath before various investigating
6 groups and people -- that this was one more situation
7 which was not helpful and could be potentially a
8 serious problem, politically and public relations-wise.

9 Q You don't have the facts but you have the
10 allegations by virtue of whatever method you learned
11 about the event, correct?

12 A What time period are you talking about?

13 Q California, Palo Alto --

14 A Well, I, I --

15 Q -- the news reporting of this event.

16 A Yes.

17 Q And what's your reaction to the allegations?

18 A The allegations are serious allegations.

19 Q Who's the first --

20 A But they are allegations.

21 Q I'm sorry?

22 A But they were allegations.

23 Q Who was the first person that you spoke with
24 once you learned of these allegations?

25 A The first person I spoke with? Probably my

1 partner, Janice Enright.

2 Q Was she with you on this speaking engagement
3 or was she --

4 A She was.

5 Q She was?

6 A Yes.

7 Q Was she to speak as well?

8 A She was not. We were going to meet people in
9 California as well as by doing some speaking.

10 Q Do you recall the substance of your
11 conversation with Ms. Enright?

12 A The substance, I can only have a vague
13 recollection that this was a very serious situation.
14 And, and obviously, given our collective experience in
15 the White House, we knew that this would develop and
16 probably develop rapidly and a lot of newspeople would
17 be looking into it, as well as possible law enforcement
18 people looking into it.

19 Q And that's in the latter part of -- just
20 after the Lewinsky matter breaks, correct?

21 A Yes.

22 Q The latter part of the week --

23 A Yes.

24 Q -- the mid-part of the week? Now, how does
25 it work that you're summoned to the White House that

1 following Monday?

2 A The President -- I got a message -- I think
3 we were on airplanes, we were traveling, and I got a
4 message from -- I think on our voice mail or pager, I
5 forget which.

6 Q And do you --

7 A That the, that the White House was -- had --
8 was looking for us and then asked us to call, or asked
9 me to call back.

10 Q Do you recall who specifically left the voice
11 mail?

12 A As I say, I don't know whether it was a voice
13 mail or a pager. We have both. And it may well have
14 been the pager. But in any event, it was from the
15 President's -- and it was a call either from
16 Mrs. Clinton or the President. I'm not saying that
17 they were the ones that placed the call, but their
18 names were left.

19 Q The President or Mrs. Clinton?

20 A Yes.

21 Q Mr. Crane asked earlier about some numbers
22 that you had and I believe that we neglected to ask you
23 what your beeper number is. Do you know what your
24 beeper number is?

25 A I'm terrible on numbers. [REDACTED] and

1 the pin is [REDACTED]

2 Q So, somehow, Mr. Ickes, you learn after the
3 publicity surrounding the Lewinsky affair that the
4 President or the First Lady want to speak with you,
5 correct?

6 A Yes.

7 Q And do you reach out for them?

8 A When I got to San Francisco, I did return the
9 call. I don't think that either was available. As I
10 say, I forget whether it was the President or the First
11 Lady. I know this sounds odd that you would forget
12 whether it's either the President or the First Lady,
13 but the fact is I don't recall. It was one or the
14 other. But my best recollection is that when I called
15 back neither were available and I left a message that I
16 had called back, and I also left the number of the
17 hotel that we would be staying in.

18 Q Do you reach out and speak with anybody else
19 about this news event?

20 A The answer is I don't have a specific
21 recollection. I probably did place a call to Doug
22 Sosnik who is -- I'm still quite close to who is the --
23 well, he's now counselor to the President in the White
24 House. You should add -- now that I raise his name,
25 you should add his name to that litany of people that I

1 talk to on a semiregular basis in the White House.
2 It's S-O-S-N-I-K. I probably -- I may well have tried
3 to reach him. I don't recall who I talked to. My
4 recollection is I talked to at least somebody, either
5 McCurry or Sosnik or maybe Ann Lewis, in the White
6 House just to see what the situation was and what the
7 White House was saying.

8 Q So, you think that there was actual
9 conversation then when you called back, apparently
10 after you find out that you can't get a hold of the
11 President or the First Lady?

12 A Yeah. I, I don't remember a specific
13 conversation with a specific person. I find it hard to
14 believe that I did not talk to somebody in the White
15 House in that -- shortly after we landed.

16 Q Well, you have to, it seems, does it not, in
17 order to know to go to the White House Monday morning?

18 A Well, there are two different sets of phone
19 calls I'm talking about. One is the set of phone calls
20 responding to the President's or the First Lady's call.
21 Then another set of phone calls is did I talk to
22 anybody else in the White House outside of the
23 President's immediate Oval Office staff. I didn't make
24 that distinct. And the answer is I don't recall
25 specifically who I talked to or whether I talked to

1 somebody outside of the President's immediate Oval
2 Office staff, but I'm confident that I did. I, I find
3 it -- I can't imagine that I did not talk to somebody,
4 and it could have been either Sosnik or McCurry or
5 Lewis, Bagala, Rahm Emanuel.

6 In addition to that, at some point I made
7 contact with the Oval Office staff and I actually
8 talked to the President and --

9 Q Long distance?

10 A Long distance from California.

11 Q And do you know where you are at that time?

12 A I'm in Palo Alto, I suspect in the hotel but
13 I'm not positive.

14 Q So your recollection --

15 A It could have been on a pay phone.

16 Q -- so far, to summarize, is while en route
17 out there with your partner, you're beeped?

18 A Yes.

19 Q Call back in after landing in San Francisco,
20 can't get anybody?

21 A Can't get President or First Lady and, and I
22 think left a message with the White House, with the
23 Oval Office staff that we had returned -- I had
24 returned the call. And then subsequently, my best
25 recollection is I talked to the President, it was

1 either Friday -- I think it was either Thursday or
2 Friday, I forget which, you know, I actually had a
3 phone conversation.

4 Q And is that from the hotel phone booth or
5 some other location?

6 A As I said, it could have been from the hotel
7 or it could have been from a pay phone, I don't know
8 which.

9 Q Do you remember the substance of the
10 conversation?

11 A The substance of the conversation, as best I
12 can recall, is that this thing has developed. I told
13 him that I had read about it and he asked me if I could
14 come over and see him. I don't think that he knew when
15 he was talking to me where I was. I told him that I
16 was in California, that I would be prepared to take the
17 next plane back. I was supposed to give a speech but I
18 could cancel that. And he said, "No, give your speech
19 and I'd like to see you as soon as possible after you
20 get back." And the rest -- and the subsequent -- thus,
21 the subsequent meeting with him early Monday morning.

22 Q Before this phone call or, I should say,
23 before you were beeped, when was the last consulting
24 work you had done for the White House?

25 A Well, I was never, I was never a consultant

1 for the White House. The last work I had done for the
2 White House, I resigned effective January -- about
3 January 20th of 1997, after running the Inauguration.
4 And then I -- after resigning, I then went back on the
5 White House payroll in my capacity as director of the
6 Denver Summit of the 8 which was held in Denver in June
7 of '97. So, from -- effectively, from early February
8 until sometime after June, I was on the White House
9 payroll; until about August.

10 BY MR. CRANE:

11 Q Was that the Summit of Economic Powers?

12 A Yes.

13 Q I see.

14 A Right. We call it -- shorthand, we call it
15 the Denver Summit of the 8 because Russia been at it,
16 but it was our turn to run that and -- or hold it, and
17 I ran it for him.

18 Q Why did you resign? It seems -- if you don't
19 mind my asking, it seems that your -- sort of your
20 heart and soul is really in the White House.

21 A I never said that.

22 Q I just said that.

23 A Oh, okay. That's your -- okay, that's your
24 conclusion.

25 Q That was my conclusion.

1 A Oh, okay.

2 Q Your heart and soul was in the White House
3 and perhaps --

4 A Hopefully, neither was there, but I resigned
5 because a new chief of staff was brought in. This is
6 well documented. A new chief of staff was brought in,
7 Erskine Bolls, who basically said in so many words that
8 he wanted to bring in a whole new team of people and I
9 was not included in that team.

10 BY MR. PAGE:

11 Q Are you bitter about that?

12 A No.

13 Q You said earlier that you reviewed your
14 deposition this morning when I asked you about the day
15 in the life of Mr. Ickes.

16 A Um-hum.

17 Q Did you review anything else in preparation
18 for your testimony today?

19 A No. I met with, I met with my lawyer
20 yesterday, but that was the only, that was the only
21 document. Oh, a couple newspaper clips that had been
22 in the, in The Washington Times that were based on this
23 deposition.

24 Q And your meeting with the President on Monday
25 morning, which I represent to you to be probably

1 Monday, January 26th, 1998 --

2 A Okay, whatever, whatever it is it is.

3 Q -- which is the first Monday at least,
4 Mr. Ickes, and I represent this to you, after the news
5 of the Lewinsky matter was published.

6 A It was the Monday directly before the Tuesday
7 of the State of the Union.

8 Q You said lasted about an hour?

9 A Um-hum.

10 Q And half of that was devoted to the topic of
11 Monica Lewinsky, in your estimation?

12 A Roughly, yeah. I recall talking also about
13 the State of the Union, some of the issues the
14 President may be raising. That was obviously something
15 that he was very focused on.

16 Q At the outset of the meeting, Roger Clinton
17 is there, Harry Thomason and this writer from Baltimore
18 who you don't recall?

19 A Whatever the name is.

20 Q Is that accurate?

21 A Yes.

22 Q Some of that collection of people leave
23 during your hour-long meeting with the President?

24 A Well, Roger Clinton and the write left
25 immediately. I mean, there were pleasantries

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1 exchanged, a Coca Cola was drunk, and other than
2 pleasantries there was no discussion, as far as I
3 recall. They left. Mr. Thomason, as I recall, stayed
4 for some part of the meeting and then he left.

5 Q And where are you?

6 A We are in what is known as the solarium which
7 is, I think, it's technically on the fourth floor of
8 the White House. I think they typically call it the
9 third floor but technically it's the fourth floor.

10 Q Excuse my ignorance, but is that in private
11 quarters --

12 A Yes, that --

13 Q -- of the White House?

14 A That's in the private quarters. It's a --
15 there's what I call the ground floor, then there's what
16 I call the state floor. That's what most people the
17 first floor but it's the state floor. Technically,
18 it's the -- it's actually the second floor. Then there
19 is the third floor which is called the residence.
20 That's where the President and his family live. And
21 then there is one more -- there's a floor above that
22 where there are a number of guest rooms and there's
23 also a solarium that looks out over the South Lawn
24 towards the Jefferson Memorial.

25 Q So, after Thomason departs, are you alone in

1 the solarium with the President --

2 A Yes.

3 Q -- during the remainder of this meeting?

4 A Yes.

5 Q Any other conversations with him since then
6 about the Lewinsky matter?

7 A Generally. I have talked to the President.

8 I talk to him on, on a very infrequent basis.

9 Sometimes he calls me, sometimes I call him just to
10 check in. There -- as I say, I don't have
11 lawyer/client relationship, so there are -- there's
12 nothing that is discussed other than what has already
13 been discussed 100 times in the press.

14 Q At that meeting in the solarium, though, on
15 what I represent to you which may have been 1/26/98,
16 you recall that the President said he did not have a
17 sexual relationship with Monica Lewinsky, number one,
18 correct?

19 A Yes. I've testified to that three times now.
20 Yes.

21 Q And number two, that he had done nothing to
22 encourage anybody to change their statement to suborn
23 any perjury or to obstruct justice.

24 A Yes.

25 Q Is that your recollection?

1 A That's my best recollection.

2 Q Any other topics discussed with the President
3 during your meeting with him on this date in the
4 solarium?

5 A As I said earlier in response to your earlier
6 question, I think that -- I don't recall the topics but
7 I'm confident we talked about State of the Union.
8 That's always a very big speech for the President and
9 he devotes a lot of time to it. As I say, I don't
10 recall the specific topics but I do recall talking
11 about it and talking generally about some of the things
12 that he might be saying, he might not be saying.

13 Q You've taken some notes during your
14 appearance today, correct?

15 A Yes.

16 Q Would you mind reading those to the Grand
17 Jury?

18 BY MR. BARGER:

19 Q In the interest of time, how many pages would
20 you estimate?

21 A Well, six.

22 Q Without reading them all, could you just --
23 it'll take a fair amount of time, fair to say?

24 A It would.

25 Q Could you just characterize them for us?

1 Generally, what, what's in the notes?

2 A Generally, what's in the notes are the
3 questions you've been asking, not all of them but
4 questions, the basic questions that you've been asking.

5 Q For highlight --

6 A Yeah. And I will be telling my attorneys.

7 BY MR. PAGE:

8 Q That's the purpose in taking the notes?

9 A Yeah.

10 Q To keep a record of -- your record, I should
11 say, of what happened in here today?

12 A Yes.

13 Q And you'll be sharing that with whom?

14 A My attorneys.

15 Q Which are the ones you previously identified?

16 A Yes.

17 Q Do you intend to share that with anybody
18 else?

19 A I don't know. I haven't decided yet.

20 Q When will you decide?

21 A When I feel like it. I don't mean to be
22 flip, but --

23 BY MR. CRANE:

24 Q In your notes, do you make any comments about
25 any members of the Grand Jury, apart from the

1 attorneys?

2 A No. I noted that there are 18 members, I
3 think 18 members of the Grand Jury by my count.

4 Q Do you further specify who they are or try to
5 identify them or anything like that?

6 A No.

7 Q You just have the number 18?

8 A Eighteen Grand Jury.

9 Q Anything else? Is it broken down like men,
10 women, young, old?

11 A No.

12 BY MR. PAGE:

13 Q You mentioned that you had talken -- you had
14 spoken, rather, excuse me, to Mr. Bagala, McCurry, the
15 First Lady, Ann Lewis, Lanny Brewer, Lanny Davis. Were
16 those discussions since the Monica Lewinsky matter was
17 publicized in late January?

18 A Yes.

19 Q And were they regarding the Monica Lewinsky
20 matter?

21 A Not, not exclusively, but I would say
22 primarily.

23 Q Can you tell us the substance of the
24 conversations that you've had with the First Lady since
25 the Monica Lewinsky matter was made public?

1 A As best I can recall -- first of all, I don't
2 talk to her that much. And as I have testified
3 earlier, typically I'm calling her just to check in,
4 how is she. And it's more of a check in: how are
5 things going, you know, how are you and -- I would say
6 it's more along the lines of pleasantries. There is
7 frustration evidenced by her and by the President about
8 what is going on, as you might imagine, but I don't
9 recall discussing any particular details with the First
10 Lady about this other than just the general atmosphere,
11 how it's going, what is it looking like. I may --
12 depending upon what press people I've talked to
13 recently, may indicate to her where some of the press
14 may be heading. I know that there was at some point a
15 discussion about, you know, the wisdom, if you will, of
16 exerting executive privilege and there was considerable
17 discussion about that in the press and among advisers,
18 as you know. And I do recall having specific
19 conversations with both him and her about that.

20 Q About the wisdom of asserting --

21 A Yes.

22 Q -- executive privilege?

23 A Right.

24 Q Any other topics that you recollect?

25 A No.

1 Q And so, you're saying that the substance of
2 your conversation with the First Lady led you to
3 conclude that there was a sense of frustration?

4 A Yes.

5 MR. CRANE: I think we're getting ready to
6 break for lunch. Are there any -- briefly, any follow-
7 up questions from the members of the Grand Jury?

8 GRAND JUROR: I did have a few.

9 MR. CRANE: Okay, let's see if we can handle
10 them quickly, and then if necessary -- find out if it's
11 necessary for the witness to come back.

12 Madam Foreperson.

13 FOREPERSON: Just a few. The talking points,
14 were those sent out in hard copy, was it electronic
15 mail? How was that information disseminated?

16 WITNESS: They -- the few that I got, and
17 they were damn few, came over the fax, over our fax
18 machines.

19 FOREPERSON: What types of information would
20 be in a talking point?

21 WITNESS: You know, what are, what are the --
22 typically, talking points on these kinds of things are
23 what are the main -- what are some of the points to be
24 made, what are the main arguments, depending upon what
25 the subject is. And this thing has so -- gone on for

1 so long and has so many ramifications and such a great
2 case of -- not great in the sense of great, great, but
3 a large cast of characters involved that the talking
4 points would deal with that. But as I say, they were
5 very few and far between.

6 FOREPERSON: Would it be safe to say that the
7 talking points would basically give you pointers on
8 what to say to the media, that kind of thing?

9 WITNESS: Yes. They, they -- I think it's
10 safe to say that talking points are a combination of
11 facts and argument, both.

12 FOREPERSON: Any scripting or anything like
13 that?

14 WITNESS: What?

15 FOREPERSON: Scripting as to --

16 WITNESS: No.

17 FOREPERSON: -- exactly what you should say?

18 WITNESS: No. They're basically facts and
19 some -- mostly facts and arguments that the author
20 thinks would be useful to whoever's receiving them.

21 FOREPERSON: Okay. Mr. Lenzer, I think you
22 mentioned that Mr. Lenzer was a private investigator?

23 WITNESS: Terry Lenzer, yes.

24 FOREPERSON: Okay. Would you consider him to
25 be a good private investigator?

1 WITNESS: He has the reputation of being
2 expensive and good, but that's his reputation. I've
3 never had him do anything for me.

4 FOREPERSON: Okay. Were you aware that
5 Mr. Bacon and Ms. Mayer-Hamilton worked together at The
6 Wall Street Journal?

7 WITNESS: I was aware of that, yes, that they
8 both were employed by The Wall Street Journal.

9 FOREPERSON: I have nothing else.

10 GRAND JUROR: I have one short one. You went
11 to work at the White House in January of '94?

12 WITNESS: In -- yes, in January of '94.

13 GRAND JUROR: Were you required in your
14 employment at the White House to have a security
15 clearance?

16 WITNESS: Yes, I was.

17 GRAND JUROR: Can you tell me what form you
18 filled out for your background investigation?

19 WITNESS: I can't.

20 GRAND JUROR: Did you fill out a form?

21 WITNESS: Yeah. It was lengthy.

22 GRAND JUROR: The flight that you took to
23 Palo Alto, were there telephones on the plane?

24 WITNESS: I think, much to my frustration,
25 there weren't.

1 GRAND JUROR: Oh, okay. So that's why you
2 didn't call until you landed.

3 WITNESS: Right, right. It's also expensive
4 calling from the airplanes.

5 GRAND JUROR: Actually, the rates have gone
6 down.

7 WITNESS: They have?

8 GRAND JUROR: Kind of flat rate.

9 WITNESS: I'll take your word for it.

10 GRAND JUROR: You testified that
11 Ms. Mayer-Hamilton was asking you questions about Linda
12 Tripp and that you indicated to her on the phone that
13 you did not have any information. I'm just curious,
14 why did you make an appointment to have her come to
15 your office if you didn't know anything?

16 WITNESS: No, I think that that's not exactly
17 what I testified to. She called -- my recollection is
18 that Jane called me and said that she was doing a story
19 on Linda Tripp and could she come over, had I worked
20 with her in the White House. I said I had. Could she
21 come over and talk to me. She's a friend of mine, I
22 know her, and we made an appointment and she came over.
23 It was a very short meeting because I knew very little.

24 GRAND JUROR: But if you had already told her
25 on the phone you didn't know anything, it's kind of

1 | curious that she --

2 | WITNESS: No, I didn't, I didn't say that I
3 | told her on the phone I didn't know anything. I said
4 | in the meeting I told her I didn't know anything.

5 | GRAND JUROR: But you knew why she was
6 | coming?

7 | WITNESS: I knew that she was doing a story
8 | on Linda Tripp. I knew that I knew some information
9 | about Linda Tripp. It was very little. I didn't know
10 | what angle she was working, what she -- where she was
11 | heading on it. And I think that, you know, once she
12 | told me she was doing a profile on her, I told her what
13 | I knew, and I've told you what I told her and it was
14 | very little.

15 | GRAND JUROR: So, basically, it was an
16 | exchange of information. You found out what she wanted
17 | to know, as well as she found out that you didn't know
18 | very much?

19 | WITNESS: If you want to characterize it that
20 | way, you can characterize it that way. I think I've
21 | testified to what occurred.

22 | BY MR. CRANE:

23 | Q If I can just follow up, and we have asked
24 | you this a number of times, but you, you have not ever
25 | seen Linda Tripp's security Form 398, nor released it

1 to any person? That's --

2 A Certainly not to my knowledge.

3 Q Okay. Did you ever have occasion to look at
4 the personnel files of any other person at the White
5 House and release any of that information?

6 A The answer is not, not to the best of my
7 knowledge. I don't recall ever seeing anybody's
8 personnel files other than my, my own. I'm not even
9 sure I've seen my own complete personnel file. I had
10 no interest in it. And I have no recollection of
11 releasing any personnel information.

12 Q What about going and looking on personnel
13 files, apart from releasing it? Just going and looking
14 at personnel files without releasing it?

15 A I have no recollection of doing it and I'm
16 confident I didn't. Personnel was not under my
17 jurisdiction as deputy chief of staff, and the
18 personnel director reported to -- and the Office of
19 Administration reported to the other deputy chief of
20 staff.

21 Q All right.

22 GRAND JUROR: I just have one other. During
23 the time that you had the meeting with the President,
24 you said about half an hour was spent, roughly.

25 WITNESS: Um-hum.

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1 GRAND JUROR: Was that toward the beginning
2 of the meeting, throughout the meeting, sort of in the
3 middle or at the end that you discussed the Linda
4 Tripp/Monica Lewinsky --

5 WITNESS: My best recollection, it was
6 interspersed, you know, the President was going back
7 and forth. I think it's fair to say that the outset of
8 the meeting was focused primarily on that and then we
9 shifted over to State of the Union, and back. I mean,
10 it was, it was that kind of a conversation. It wasn't
11 tightly structured, one segment and then he cuts it off
12 and moves on to another segment.

13 MR. CRANE: Yes, Mr. Barger?

14 BY MR. BARGER:

15 Q Following up on the Grand Juror's question,
16 was Mr. Thomason present for any of the discussion
17 involving the Monica Lewinsky topic?

18 A My recollection is that he was for some of
19 it.

20 Q What was the purpose, as you understood it,
21 of his presence?

22 A He was, he was staying at the White House at
23 the time, and I don't, I don't know what the purpose
24 was he was there. And then he left.

25 Q No, I don't mean his purpose at -- physically

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1 | being in the White House. What was his purpose in
2 | being at the meeting, as you understood?

3 | A He was there when we walked in. We're all
4 | friendly, we all know each other, and I worked with
5 | Harry for -- on a number of projects. I don't know if
6 | there was -- all I can tell you is that he was there
7 | and stayed for part of the meeting.

8 | Q Did he participate in the discussion of, of
9 | the Monica Lewinsky topic, you know, how to deal with
10 | it?

11 | A Not that I recall. I think mostly the
12 | President -- my recollection is the President and I
13 | did -- the President did most of the talking but I did
14 | a lot of the listening. I don't recall Harry saying
15 | much of anything. He had been, he had been at the
16 | White House, I think, for several days prior to my
17 | coming in on early Monday morning.

18 | Q His presence at the meeting was not something
19 | you requested, I take it?

20 | A No, it was not.

21 | Q All right. Going back just very briefly, in
22 | Palo Alto you said it's -- I don't know if you said
23 | possible but I took it to mean it's possible that you
24 | may have called the President back from a pay phone.
25 | If you did so, would that -- would you have used a

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1 calling card?

2 A Yes, I would have.

3 Q Okay. And I don't think -- in the universe
4 of things we've bothered you with, I don't think we
5 asked for a calling card number. Do you have such a
6 critter?

7 A I do.

8 Q May we -- may you share that with us, please?

9 A Yeah. See, I knew, I knew we'd get around
10 here to this. Wait a minute. Let me see if I have it.
11 Now, if I get a lot of phone bills --

12 Q You know where to come looking.

13 A Boy, you bet. I'm going to come right to
14 you. It is [REDACTED]

15 MR. CRANE: Yes, I believe a Grand Juror over
16 here had a question.

17 GRAND JUROR: Just for clarification,
18 Mr. Klayman is with the Independent Counsel's Office?

19 MR. CRANE: No, no. For clarification, he's
20 not.

21 GRAND JUROR: Who is he?

22 MR. CRANE: Mr. Ickes may enlighten us as to
23 where Mr. Klayman is.

24 WITNESS: Mr. Klayman is the head of an
25 organization called Judicial Watch and he apparently

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1 makes sort of a vocation, if not avocation, of suing
2 the Clinton Administration. I think he's sued the
3 Clinton Administration 18 times. And there's a nice
4 little article in today's newspaper about the source of
5 some of his funding. Apparently, the Mellon Scaife
6 Foundation gave him \$500,000 this year. So, he has, as
7 it were, an axe to grind.

8 GRAND JUROR: It's 550,000.

9 WITNESS: Okay, I stand corrected.

10 BY MR. BARGER:

11 Q I have one last, one last topic. Going back
12 to a question Mr. Page asked you earlier that you
13 covered, some of your conversations you've had with the
14 President subsequent to your meeting, and I believe in,
15 in your answers you talked generally about the fact
16 that what you discussed did not involve any, any new
17 facts that had not already been out in the public
18 realm, or at least words to that effect.

19 A Yes.

20 Q Is that sort of a fair assessment?

21 A Yes.

22 Q My question has to do with, with that topic.
23 Even though your conversations with the President may
24 have involved facts that were already in the public
25 realm, some of the facts that have come out since that

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1 story, the Monica Lewinsky story, broke in mid-January,
2 some of the facts that are at least -- or some of these
3 factual allegations that are out there in the public
4 realm suggest that possibly the President did have a
5 sexual relationship with Ms. Lewinsky. So, my question
6 has more to do with even if these are facts that are
7 out there in the public realm, in any of your
8 conversations with the President subsequently did he
9 ever discuss whether he had such a relationship? In
10 other words, that his answer he had given you
11 previously wasn't exactly correct?

12 A The answer is no.

13 MR. PAGE: Mr. Ickes, on your phone card is
14 that World Com or can you tell us what organization
15 issued that card?

16 WITNESS: I have to tell you, don't I? I
17 don't, I don't have a choice.

18 MR. CRANE: I think counsel is being polite.

19 WITNESS: Well, he, he did use the word can
20 instead of will, but -- so the answer, the answer is
21 can I? The answer to that question is yes. Will I?

22 BY MR. PAGE:

23 Q Would you?

24 A Yes. It is -- I don't have it on me
25 actually. It's an AT&T credit card.

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1 Q Thank you. Now, you mentioned during your
2 testimony that you've appeared approximately 20 times
3 since 1994 before Grand Juries and bodies taking
4 testimony, correct?

5 A I've given sworn testimony -- this is an
6 estimate but I think it's fairly accurate -- in the
7 neighborhood of about 20 different times.

8 Q With respect to this appearance today, were
9 you treated professionally in the arrangements that
10 were made to bring you here?

11 A Yeah, the cab driver was very pleasant.

12 Q And were you treated professionally by the
13 representatives of the Office of Independent Counsel in
14 arranging your appearance here today?

15 A I never dealt with them. Amy Sabrin did and
16 she never indicated unhappiness.

17 Q And during your appearance here today before
18 the Grand Jury, were you treated professionally and
19 with due respect?

20 A I would say that, yes.

21 Q And did the counsel show you respect?

22 A I would -- the answer is yes, I was.

23 Q Thank you.

24 BY MR. CRANE:

25 Q And would it be fair to say that I am nicer

1 to you than Mr. Klayman?

2 A Well, you at least have a sense of humor.
3 That's more than he does. And you also ask relevant
4 questions. Ninety percent of his questions are totally
5 irrelevant to his case.

6 Q All right, on that relatively humorous note,
7 I think we must, due to the lateness of the hour, break
8 for lunch, and we will discuss with the Foreperson what
9 time we will -- it's now nearly 1:00, so --

10 A You're going to want me back?

11 Q Let's step out in the hall and speak with Ms.
12 Sabrin, but I think that we can probably release you
13 with -- let's, let's discuss that out in the hall.

14 A Okay.

15 FOREPERSON: No further questions? Does
16 anyone else have further questions?

17 MR. BARGER: No further questions by the
18 Grand Jurors.

19 WITNESS: Okay. Thank you.

20 MR. CRANE: May the witness be excused?

21 FOREPERSON: Yes.

22 (Whereupon, the witness was excused at
23 12:55 p.m.)

24

25

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA ----- X In re: : GRAND JURY PROCEEDINGS : ----- X Grand Jury Room No. 3 United States District Court for the District of Columbia 333 Constitution Avenue, N.W. Washington, D.C. 20001 Thursday, July 23, 1998 The testimony of HAROLD M. ICKES was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 4:07 p.m., before: SOLOMON WISENBERG Deputy Independent Counsel EDWARD PAGE MARY ANNE WIRTH Associate Independent Counsel Office of Independent Counsel 1001 Pennsylvania Avenue, Northwest Suite 490 North Washington, D.C. 20004	Page 3 1 PROCEEDINGS 2 Whereupon. 3 HAROLD M. ICKES 4 was called as a witness and, after being first duly sworn by 5 the Foreperson of the Grand Jury, was examined and testified 6 as follows: 7 EXAMINATION 8 MR. WISENBERG: Madame Foreperson, do we have a 9 quorum? 10 FOREPERSON: Yes, we do. 11 MR. WISENBERG: Are there any unauthorized people 12 in the Grand Jury room? 13 FOREPERSON: There are none. 14 BY MR. WISENBERG: 15 Q Could you state your name, please, and spell it. 16 A Harold Ickes. It's H-a-r-o-l-d; Ickes, I-c-k-e-s. 17 Q And can you tell us what your occupation is. 18 Mr. Ickes. 19 A I'm a consultant. 20 Q And my name is Sol Wisenberg. I'm an attorney for 21 the Office of the Independent Counsel. 22 To my left is Ed Page. He's an attorney for the 23 Office of Independent Counsel. 24 To my right is Mary Anne Wirth. She's an attorney 25 the Office of Independent Counsel.								
Page 2 CONTENTS <table><tr><td>WITNESS:</td><td>Page</td></tr><tr><td>Harold M. Ickes</td><td>3</td></tr></table> <table><tr><td>GRAND JURY EXHIBIT:</td><td>Marked/Identified</td></tr><tr><td>HI-1 Diagram of portion of first floor of West Wing of White House</td><td>15</td></tr></table>	WITNESS:	Page	Harold M. Ickes	3	GRAND JURY EXHIBIT:	Marked/Identified	HI-1 Diagram of portion of first floor of West Wing of White House	15	Page 4 1 This is the Grand Jury reporter, and these are the 2 ladies and gentlemen of the Grand Jury. 3 Do you understand? 4 A Yes. 5 Q This is a federal Grand Jury impaneled by a 6 United States District Court for the District of Columbia 7 investigating, among other things, whether or not certain 8 individuals may have committed felonies in connection 9 with the civil suit known as Jones v. Clinton. Do you 10 understand that? 11 A Yes. 12 Q You're an attorney, correct? 13 A I am. 14 Q I'm going to briefly go over your rights and 15 responsibilities as a Grand Jury witness, because I know 16 you've been a Grand Jury witness in the past. 17 A (Nodding.) 18 Q And let me just say that you understand that you 19 have a right -- a privilege against self-incrimination; is 20 that correct? 21 A Yes. 22 Q You don't have a right to have a lawyer in here 23 with you, but you have a right to have a lawyer outside. Do 24 you understand that? 25 A Yes.
WITNESS:	Page								
Harold M. Ickes	3								
GRAND JURY EXHIBIT:	Marked/Identified								
HI-1 Diagram of portion of first floor of West Wing of White House	15								

Page 5 1 Q You've got counsel here with you today, correct? 2 A I do. 3 Q Can you tell us who those people are. 4 A One is Amy Sabrin -- S-a-b-r-i-n -- and the 5 other one is Lily Arbab -- A-r-b-a-b -- of the firm of 6 Skadden Arps. 7 Q And you understand that you took an oath to testify 8 truthfully, and you're testifying subject to the penalties 9 of perjury? 10 A Yes. 11 MR. WISENBERG: All right. Let me then say that we 12 can't always control what happens time-wise in front of the 13 Grand Jury. We had you scheduled for 1:30, and it didn't 14 happen. I had you scheduled for 3:00, and it didn't happen. 15 For 3:30. And we'll get as much as we can get done today. 16 I'm going to turn the questioning over to Ed Page. 17 BY MR. PAGE: 18 Q Mr. Ickes, you have a notepad in front of 19 you, correct? 20 A I do. 21 Q And is it your intent to take notes today? 22 A It is. 23 Q And is it your intent to take verbatim notes? 24 A I probably can't write as fast as either you or I 25 talk. The answer is it will not be verbatim.	Page 7 1 statement, so that there's no misunderstanding. Let me tell 2 you what our position is on the taking of notes. 3 Our position is that under the law of this circuit, 4 it's perfectly proper for you to take notes to the extent 5 that it doesn't disrupt the Grand Jury process. 6 But I do want to inform you that we do have the 7 right to subpoena those notes or have you read those notes. 8 I wanted to let you know that ahead of time. 9 Our position is that those notes are not protected 10 under any attorney-client privilege, since they're taken in 11 the Grand Jury here. 12 And let me just, on behalf of the Grand Jury, 13 state to you that we don't want to -- I'm not going to 14 subpoena them today, but we don't want you to do anything 15 to compromise or destroy the documentary integrity of those 16 notes. Do you understand? 17 A I do. 18 MR. WISENBERG: All right. 19 BY MR. PAGE: 20 Q Mr. Ickes, can you tell the members of the 21 Grand Jury a little bit about your background. 22 A I was born in 1939 here in Washington D.C. -- 23 or actually in Maryland. Went to school here; worked on 24 cattle ranches after high school; went to college; went to 25 law school.
Page 6 1 Q And what is your present intent with regard to 2 the notes? 3 A My present intent is to retain them and use them 4 initially to debrief my attorneys, or brief my attorneys on 5 what was -- went on here. 6 Q Those two that you've identified, or others? 7 A There may be others, but those two, certainly. 8 Q And do you know who the others may be? 9 A Mr. Bennett may be one. 10 Q And is that Mr. Robert Bennett? 11 A It is. 12 Q Of the same firm? 13 A Yes. 14 Q And also who is the President's lawyer, correct? 15 A That's correct. 16 Q Any another people that you intend to debrief after 17 your appearance today -- 18 A At this -- 19 Q -- with the benefit of your notes? 20 A At this point, no. I may come up with people 21 later, but I have -- as I sit here right now -- that's my 22 intention right now. 23 (Brief interruption to proceedings.) 24 BY MR. WISENBERG: 25 Q Pardon us, Mr. Ickes. Let me just make a	Page 8 1 In New York, ran a number of -- worked in a 2 political campaigns and practiced law for about 13 or 14 3 years in New York and then joined the White House staff. 4 Worked for President Clinton's 1992 campaign; ran his 5 New York campaign; ran the convention for him in 1992; was 6 the deputy director of his transition in Little Rock under 7 Warren Christopher; and then went back to New York to 8 practice law for a year. 9 And then I joined his administration as deputy 10 chief of staff in the White House in early January 1994; 11 worked in that position until January of 1997; and then 12 ran the -- I was the director of the what is called the 13 Denver Summit of the Eight in Denver, which was the eight 14 economic -- large economic powers around the world that had a 15 summit; and I am now a consultant. That's a thumbnail. 16 Q And you're full name is -- 17 A Harold, H-a-r-o-l-d. My middle name, which I do 18 not use, but it's McEwen, M-c-E-w-e-n. Ickes, I-c-k-e-s. 19 Q And so you worked at the White House from 20 approximately early of 1994 through January of '97? 21 A Yes. 22 Q What position did you occupy when you were there? 23 A I was assistant to the President and deputy chief 24 of staff. 25 Q Would you tell the members of the Grand Jury what

Page 9

Page 11

1 kinds of things you did as deputy chief of staff.
 2 A My general responsibilities, when I first came
 3 down here, was to deal with the President's health care
 4 initiative, which had been introduced the year before to
 5 the Congress.
 6 And there began an investigation of what we
 7 generally in the White House call the Whitewater situation,
 8 and I was responsible for dealing with that within the
 9 White House.
 10 I had -- my responsibilities also include many of
 11 the political matters that the White House dealt with, and as
 12 time progressed, I was -- became involved in the President's
 13 re-election campaign.
 14 So it was a mix of dealing with Whitewater and
 15 related matters, and then dealing with working on a number
 16 of substantive issues, including the health care bill.
 17 Q Did you know President Clinton when he was governor
 18 of Arkansas?
 19 A I did.
 20 Q And how was that?
 21 A I -- my recollection is that Mr. Clinton and I met
 22 each other in the early 1970s. My recollection is here in
 23 Washington, D.C. And we kept in touch over the years.
 24 Q Did you ever assist in any of President Clinton's
 25 campaigns in Arkansas when he was then governor, or wanting

1 A No, we ran out of -- we ran out of desks. No, I --
 2 the person who succeeded Mr. Panetta was Mr. Bowles. I did
 3 not work for Mr. Bowles.
 4 Q Is it fair to say that, during your term of service
 5 at the White House, that you worked long hours?
 6 A It -- that's -- people have different
 7 characterizations. I worked, by my standards, fairly
 8 long hours, yes.
 9 Q And did you work weekends?
 10 A Typically, I would work part of a weekend, yes.
 11 Q And what part would you typically work?
 12 A It would depend upon -- it would depend upon the
 13 circumstances. Typically, I would be in on Saturdays,
 14 sometimes on Sundays, and the hours varied greatly.
 15 Q And was this catch-up time for you, or what types
 16 of things did you do on the weekends?
 17 A Work that I hadn't I accomplished in the
 18 prior week.
 19 Q Was there such a thing at the time called overtime
 20 for you, or were you free to do as much or as little as you
 21 thought appropriate?
 22 A I think it was the latter. There was considerable
 23 -- there was a lot of work to be done in the White House,
 24 and I think that those of us who went to work in the
 25 White House were -- most of us were amazed by how much

Page 10

Page 12

1 to be governor?
 2 A No.
 3 Q Did you do any campaign work for him in Arkansas?
 4 A No.
 5 Q So you met President Clinton in the early 1970s
 6 and, in effect, stayed in touch?
 7 A Yes.
 8 Q What kind of things did you do for President
 9 Clinton and the administration in your responsibilities with
 10 dealing with Whitewater?
 11 A I was -- for lack of a better phrase, I was the
 12 lead person in the chief of staff's office. The White House
 13 is set up so that the -- there's the President, and then
 14 there is the chief of staff, who when I first joined the
 15 administration, was Mr. McLarty. And then in the -- sometime
 16 in the summer of 1994, he resigned as chief of staff, and
 17 Leon Panetta became chief of staff.
 18 And there were two deputy chiefs of staff. My
 19 responsibility was the lead person in the chief of staff's
 20 office dealing with issues -- the internal aspect of
 21 Whitewater in the White House.
 22 Q So you worked for both Mack McLarty and
 23 Leon Panetta?
 24 A I did.
 25 Q Any other chief of staffs that you worked for?

1 work there was and the intensity of it and the sweep of
 2 the issues that came through the White House.
 3 So there was no hard, fast rule. Presumably, you
 4 had to work at least 40 hours a week, as you were getting
 5 paid by the taxpayers. I think it's fair to say that
 6 virtually everyone, if not everyone, worked more than
 7 40 hours a week.
 8 Q And would you work late into the evening during the
 9 week, as well as on the weekends?
 10 A Well, late is a characterization. I typically
 11 worked anywhere from 7:00 sometimes until 9:00 or 10:00 at
 12 night, depending, again, upon what the issues were and how
 13 much work there was to be done.
 14 Q How was it that you got from where you lived
 15 at the time that you were working at the White House to
 16 the White House on a daily basis for your job?
 17 A By cab.
 18 Q You cabbled?
 19 A Yes.
 20 Q And can you tell us where you were living at
 21 the time.
 22 A I was living at a rented house at [REDACTED] and
 23 [REDACTED]. The exact address is [REDACTED].
 24 Q And so you would cab in every day?
 25 A Yes.

Page 13

Page 15

1 Q Would you cab in on weekends, as well?

2 A Typically, yes.

3 Q Did you have a car at the time?

4 A Well, our family has one car, and my wife thought
5 that she should use it.

6 Q So that was your routine practice then?

7 A That was -- yeah. Not invariably, but yes. And
8 then sometimes, I would hitch a ride with somebody. But I
9 would typically take a cab.

10 Q And what was your routine practice when the -- when
11 the cab drops you off, where do you get dropped off, and
12 where do you go?

13 A Typically -- well, before Panetta Plaza was created
14 -- that is, before they shut down Pennsylvania Avenue --

15 Q That's called what?

16 A That's -- that's an inside joke. It's -- it's
17 -- we call it Panetta -- some of us call it Panetta Plaza
18 because Leon Panetta was chief of staff when the decision was
19 made to close off Pennsylvania Avenue. So we -- some of us
20 call it Panetta Plaza. That is not its official name.

21 Typically, I would get off on Pennsylvania Avenue
22 in front of the White House -- in front of the gates that
23 lead into the West Wing.

24 Once the -- once the Avenue was closed down at
25 17th on one end and 15th Street on the other end, typically,

1 White House complex?

2 A I worked in the -- I worked in what's known as the
3 West Wing.

4 Q And where within the West Wing?

5 A I worked -- initially, I worked in the -- the
6 bottom floor of the West Wing. The West Wing has one, two,
7 three floors. I worked in the bottom floor.

8 And I worked there for. I don't know, six or eight
9 months, and then I subsequently moved up to what is typically
10 known as the main floor, but is actually the second floor,
11 from a architectural point of view, into one of the rooms
12 that comprises the chief of staff's office. There's two
13 -- there are actually three rooms that comprise the
14 chief of staff's office.

15 Q Is it fair to say that when you moved up to the
16 second floor, that you could see outside?

17 A Yes.

18 Q And before you did that, you couldn't see outside?

19 A In the office I was in, it -- there were no windows
20 in the office I was in.

21 Q All right. We are marking an exhibit now. We'll
22 call it HI-1.

23 And I want to ask you to take a look at what has
24 now been put in front of you -- the exhibit, HI-1 -- and
25 study it for a few moments, so that I can ask you some

Page 14

Page 16

1 the cab would leave me off -- I would get out at 17th
2 and Pennsylvania.

3 Q So on the west side of the White House?

4 A Again, not invariably, but almost invariably, yes.

5 Q And then how do you make your way to your office?

6 A Before Pennsylvania Avenue was closed down, I would
7 go in the gate that -- it fronts on Pennsylvania Avenue.
8 It's called the West -- West -- it's called the Northwest
9 Gate. It's the gate that's quite near where the Old
10 Executive Office Building is, although when you through the
11 gate, you're actually on the White House grounds, as opposed
12 to the OEGB -- the Old Executive Office Building.

13 Once Pennsylvania Avenue was closed down, I
14 typically went in through the gate at the OEGB. Actually,
15 right around the corner -- it's on 17th Street. And it
16 was -- there are several gates there, but I would go --
17 typically go in -- not invariably, but typically go in the
18 gate that is on 17th Street, nearest Pennsylvania Avenue.

19 Q All right.

20 A It depended -- it also depended on the time of the
21 morning, because that gate sometimes wasn't open, and there
22 was a gate towards -- more towards Constitution Avenue which
23 was open early in the morning. So it depends when I
24 got there.

25 Q Where did you work within the confines of the

1 questions about it.

2 BY MR. WISENBERG:

3 Q And let me note for the record, Mr. Ickes, this
4 purports to be a scheme of a floor in the West Wing on which
5 the Oval Office is located. You'll notice there's some
6 preprinting on the map -- do you see that?

7 A Yes.

8 Q And then there's -- somebody has handprinted. Do
9 you see that?

10 A Yes.

11 Q That's not your handprinting, is it?

12 A No.

13 Q Okay.

14 A You couldn't read it, if it were.

15 Q Thank you. I'm going to leave this with you in
16 case you need a marker.

17 A Okay.

18 BY MR. PAGE:

19 Q Have you had a chance --

20 A I have.

21 Q -- to look at HI-1?

22 A Yes.

23 Q Does it appear to represent the West Wing where you
24 worked at the White House from January of '94 to early '97?

25 A Yes.

Page 17

Page 19

1 Q And on HI-1, is the office that you occupied after
 2 you moved to the second floor there?
 3 A Yes.
 4 Q And where is it?
 5 A It's marked here -- wait a minute. (Examining
 6 document.) It's Room 108.
 7 Q Room 108?
 8 A Yes.
 9 Q All right. Can you put a dot -- I see that you
 10 have a blue pen with you. Can you put a dot in Room 108.
 11 A Do you want this (indicating), or do you want
 12 blue pen?
 13 Q You can use the red, please.
 14 A Okay.
 15 Q And just draw a line off of that, Mr. Ickes.
 16 A Do you want a dot on it or --
 17 Q Yeah, I would like a dot in Room 108, and then a
 18 line down.
 19 A Down here (indicating)?
 20 Q Yes, sir. And then your initials, HI.
 21 A Okay.
 22 Q And today's date, 7/23/98.
 23 A (Witness complies.)
 24 Q And that's your office after your move to the
 25 second floor, correct?

Page 18

1 A Yes.
 2 Q In relation to that office -- 108 -- where is the
 3 chief of staff?
 4 A The chief of staff's office is in room -- do you
 5 want me to hold it up?
 6 Q Yes, sir.
 7 A It's Room -- the chief of staff's office is in
 8 Room 111.
 9 Q So right next to you?
 10 A Right across. There was a --
 11 Q Oh, I'm sorry.
 12 A There was what you would call a secretarial suite
 13 in between, but you would -- but Leon's office, or Mack's
 14 office was yes, right across, that other room (indicating).
 15 Q So at first, Mack McLarty is in there?
 16 A Yes.
 17 Q Then --
 18 A Mr. Panetta.
 19 Q -- Mr. Panetta.
 20 A Yes.
 21 Q Of Panetta Plaza fame.
 22 A Exactly.
 23 Q All right. Not Ickes Intersection?
 24 A Not Ickes -- hopefully, not Ickes Intersection.

1 BY MR. WISENBERG:
 2 Q I'll need to interrupt you for just a second,
 3 Mr. Page. I've been informed by the Forelady that we have to
 4 stop for the day. But before we do, I want to ask you -- off
 5 the topic that Mr. Page is on -- three quick but unrelated
 6 questions -- I hope three and I hope quick.
 7 There was a story a few months ago in the
 8 newspaper to the effect that Monica Lewinsky had visited
 9 the White House 37 times after she was transferred to
 10 the Pentagon.
 11 Did you have anything to do -- not suggesting in
 12 and of itself that there would be anything wrong with this --
 13 did you have anything to do with leaking or disclosing that
 14 story to anybody in the press?
 15 A No. I read it in the press.
 16 Q In your Grand Jury appearance in Alexandria, you
 17 mentioned that you sometimes spoke to Lanny Breuer.
 18 A Yes.
 19 Q Has Lanny Breuer ever discussed with you in any
 20 way, shape, or form the substance of any debriefings he's
 21 done of witnesses or lawyers before this Grand Jury?
 22 A He has not. He's tight-lipped beyond belief.
 23 Q Has anybody discussed with you debriefings
 24 of witnesses who have appeared before this Grand Jury or
 25 their lawyers? Has anyone discussed of the debriefing of

Page 20

1 those individuals with you?
 2 A No.
 3 Q Okay. Let me state that I'm very sorry that we had
 4 to cut you off so soon after you came in. I understand that
 5 you have done some testifying in your time in the last few
 6 years, some of it in front of Grand Juries, and I know that
 7 some of the background questions we ask you might be
 8 repetitive to you. But they haven't been heard by
 9 this Grand Jury.
 10 A No, I understand.
 11 Q And I'm very sorry that it didn't work out. Let
 12 me ask you that -- we weren't able to complete you today,
 13 because I don't think your testimony would be more than a
 14 couple of hours.
 15 Let me ask you about your future availability.
 16 Would you be available next week or the week after to
 17 complete your testimony?
 18 A Yes. I'd have to -- I'd have to look at my
 19 calendar, but the answer is yes.
 20 MR. WISENBERG: Okay. Sorry to cut you off,
 21 Mr. Page.
 22 THE WITNESS: No problem.
 23 MR. WISENBERG: Are there any further questions?
 24 (No response.)

Page 21

1MR. WISENBERG: Let me thank you again for your

2patience today, and I'll ask: May the witness be excused?

3FOREPERSON: Yes, he may.

4MR. WISENBERG: Let me remind you, however, to not

5do anything to impair the documentary integrity of the notes

6you've been taking.

7THE WITNESS: I won't.

8MR. WISENBERG: Thank you very much.

9THE WITNESS: Thank you.

10FOREPERSON: Thank you. I appreciate your

11patience.

12THE WITNESS: Thank you.

13(The witness was excused.)

14(Whereupon, at 4:31 p.m., the taking of the

15testimony in the presence of a full quorum of the Grand Jury

16was concluded.)

17*****

Page 22

CERTIFICATE OF REPORTER

I, Elizabeth J. Walker, the reporter for the

United States Attorney's Office, do hereby certify that the

witness(es) whose testimony appears in the foregoing pages

was first duly sworn by the foreperson or the deputy

foreperson of the Grand Jury when there was a full quorum of

the Grand Jury present; that the testimony of said

witness(es) was taken by me by stenotype and, thereafter,

reduced to typewritten form; and that the transcript is a

true record of the testimony given by said witness(es).

Elizabeth J. Walker

Official Reporter

Harold Ickes, 8/5/98

Grand Jury

Page 1 to Page 109

CONDENSED TRANSCRIPT AND CONCORDANCE
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Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001
Wednesday, August 5, 1998

The testimony of HAROLD ICKES was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 10:47 a.m., before:

SOLOMON WISENBERG
JACKIE M. BENNETT, JR.
Deputy Independent Counsel
MARY ANNE WIRTH
EDWARD J. PAGE
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

Page 4

point neither a subject nor a target.

Q Right. In the informal distinction that is made between those three, that is correct.

A Right.

Q And let me also give you the same admonition about your note taking today that I did last time. That is, you can take notes as long as it doesn't disrupt the operation of the grand jury, but since we -- our view under the case law is that we have the right to subpoena those notes. Don't do anything to alter or destroy the documentary integrity of those notes.

A Yes, I understand.

MR. WISENBERG: All right.

THE WITNESS: Could I get the name of the other attorney here?

MR. WISENBERG: Yes. This is Ed Page, I'm Sol Wisenberg and this is Jack Bennett.

THE WITNESS: Okay. Thank you.

MR. WISENBERG: We're all with the Office of Independent Counsel.

BY MR. PAGE:

Q All right. Mr. Ickes, when you were here last on July 23, 1998, we had discussed some topics and, briefly, those were that you cabled to work on a daily basis from your residence in Georgetown, correct?

Page 2

PROCEEDINGS

Whereupon,

HAROLD ICKES

was called as a witness and, after having been first duly sworn by the Foreperson of the Grand Jury, was examined and testified as follows:

EXAMINATION

BY MR. PAGE:

Q Good morning. Would you tell us your full name, please?

A Harold Ickes.

Q Mr. Ickes, you appeared here in front of this federal grand jury back on Thursday, July 23, 1998, a few weeks ago, correct?

A Yes.

Q And at that time, we asked questions of you for approximately 20 to 30 minutes before we recessed for the day, correct?

A Approximately. Yes.

Q Before we asked those questions back then, I believe I asked you and I explained to you about your understanding of certain constitutional rights that you have.

A Yes.

Q Do you remember that?

A Yes.

Page 5

A Typically.

Q And that you worked a lot of hours when you were Deputy Chief of Staff at the White House from in or about early '94 through the end of January 1997.

A That was the period of time I worked at the White House. Yes.

Q And that you worked quite a bit during that timeframe.

A Well, I don't -- "quite a bit" is a characterization. I typically worked full days.

Q Well, on July 23, 1998, I represent to you that you said that you worked approximately from seven a.m. to about nine or ten at night frequently.

A I would say that that's fair to say during the weekdays. Yes.

Q Is that still what your testimony is?

A Yes. Yes.

Q So would it be safe to characterize that as that you worked quite a bit during your term of duty as Deputy Chief of Staff at the White House?

A Well, as I said, "quite a bit" is a characterization. I think the facts -- I'll testify to the facts.

Q I believe also that I had shown you Grand Jury Exhibit HI-1, which I represent to you is a diagram of the

Page 3

Q And you've heard those during other appearances you've made in other grand jury settings, correct?

A Yes.

Q Would you like me to review those with you again or are you sufficiently aware that you have certain rights here today?

A I think you don't have to review those.

Q All right. You have two attorneys outside, in fact, today, correct?

A Yes.

Q And you understand that you can step outside and speak with them at any time?

A Yes.

MR. WISENBERG: Can I butt in?

MR. PAGE: You may.

BY MR. WISENBERG:

Q One thing I neglected to tell you last time, Mr. Ickes, was that you are -- under the distinction we sometimes use, an informal distinction in the grand jury, of witness, subject, target, I have told your attorney that your status is that of a witness. Do you understand that?

A Yes.

Q And, of course, we cannot guarantee that it will be an unchangeable status. You understand that?

A I understand. But in other words, I'm not at this

Page 6

West Wing of the White House, the first floor, and had asked you some questions about the room numbered 108 on this diagram.

A Yes.

Q Would you take a look at that so I can continue to ask you some questions about HI-1?

A I've seen it.

Q Okay. Are you familiar with room 108 on that diagram?

A 108? Yes.

Q That was your office, correct, during the -- that was your last office, I should say, when you were Deputy Chief of Staff at the White House, correct?

A Yes, it was.

Q And, in fact, on the diagram, you've put your initials and the date 7/23/98, correct?

A Yes.

Q Did your secretary sit within that office or was your secretary at another location?

A I had an assistant who -- well, I didn't have a secretary. I had an assistant who sat in the middle office.

Q All right. What was your assistant's name?

A Well, I had several assistants.

Q The assistant that you just mentioned.

A His name was John Sutton. As I say, there was

Page 7

Page 10

[1] rotation of those assistants, but for a large part of
 [2] that time, if not for the complete time, his name was
 [3] John Sutton.
 [4] Q Did you bring him with you when you started working
 [5] at the White House in '94?
 [6] A No. He started as an intern and then graduated to
 [7] paid employee status, is my recollection.
 [8] Q And Mr. Sutton was between your office and room
 [9] 111 the Chief of Staff's office?
 [10] A Yes.
 [11] Q Were there any other individuals in that room
 [12] between you and the Chief of Staff?
 [13] A There were -- yes, there were several people in
 [14] that room.
 [15] Q And whom did they work for?
 [16] A They worked for the Chief of Staff. They worked
 [17] for the Chief of Staff's office. Generally, I think it's
 [18] fair to say that with the exception of Mr. Sutton they
 [19] reported to Leon Panetta, but both he and I used those staff
 [20] people as a general matter.
 [21] Q Were you friends with any of those?
 [22] A I knew them.
 [23] Q Did you consider John Sutton a friend by the time
 [24] you left the White House in --
 [25] A Well, I don't know what that definition means.

[1] A Yes.
 [2] Q Before you mentioned that name of that special
 [3] assistant, I was asking you about getting to work on a
 [4] routine basis by cab.
 [5] A Yes.
 [6] Q And I ask you now, what was your routine way of
 [7] getting into the White House, the West Wing, so that you
 [8] could work and get to your desk at room 108?
 [9] A As I think I testified to at our earlier session,
 [10] before Pennsylvania Avenue was cut off and Panetta Plaza,
 [11] which we discussed was created, my term, not the official
 [12] term, I would typically come in through what is known as the
 [13] northwest gate which is a gate that's on Pennsylvania Avenue
 [14] to the left of the West Wing as you face the West Wing from
 [15] Pennsylvania Avenue. That was typically how I would come in,
 [16] not invariably, but typically.
 [17] Q Can you give the members of the grand jury sort of
 [18] an overview with Grand Jury HI-1 who were some of the other
 [19] individuals that worked in the West Wing, this office space
 [20] that's depicted here.
 [21] A In this whole area?
 [22] Q Just -- actually, from this part on, that I'm
 [23] pointing to here, all right? Which is the Betty Currie's
 [24] office towards where you were positioned in 108 and 111.
 [25] A And going all the way to -- in other words, this

Page 8

Page 11

[1] That's a characterization.
 [2] Q You don't know what friend means?
 [3] A That's a characterization.
 [4] Q Well, do you have any friends?
 [5] A I have some friends, yes.
 [6] Q So you know what that means, then, to you.
 [7] A I know what it means to me.
 [8] Q And do you have anybody in that office between you
 [9] and the Chief of Staff that you would characterize as a
 [10] friend?
 [11] A In that office?
 [12] Q John Sutton or others.
 [13] A I would characterize them as acquaintances.
 [14] Q Acquaintances?
 [15] A Mm-hmm.
 [16] Q Not friends?
 [17] A Not in my definition of friends.
 [18] Q Who are some of --
 [19] A But I don't know what you mean by the word
 [20] "friend."
 [21] Q Who are some of your friends, Mr. Ickes?
 [22] A In what timeframe?
 [23] Q Now.
 [24] A My wife, my daughter, my partner, Janice Enright.
 [25] Q Janice Enright?

[1] whole West Wing complex? This whole floor?
 [2] Q Yes, sir.
 [3] A Well, starting -- since you mentioned it, starting
 [4] with the so-called Betty Currie office, that was what I
 [5] referred to as a secretarial office and the two people or the
 [6] three people who worked there on a regular basis, to my
 [7] knowledge, were Betty Currie, Nancy Herrreich and typically
 [8] the person who was the personal aide to the President and
 [9] that varied over the time period. It started out, as I
 [10] recall, Andrew Friendly and then that changed to another
 [11] person, Stephen Goodin, and I don't know who's there now.
 [12] Going -- I don't know how you want to do this for
 [13] the record, but if you go down past the cabinet room, past
 [14] the set of stairs that's shown next to the cabinet room,
 [15] there is a press office there. Mr. McCurry -- first it was
 [16] Dee Dee Myers and then Mike McCurry succeeded her as the
 [17] press secretary. He had a number of people working in there.
 [18] At one point, Evelyn Lieberman was working there. I can't
 [19] recall the other names, but there were a number of people
 [20] working in there.
 [21] And also there was a small office in which Rahm
 [22] Emanuel worked for a period of time until he was moved to
 [23] another office, I think after the President was sworn in for
 [24] the second time.
 [25] Q So this office here was the press office?

Page 9

Page 12

[1] A Yes.
 [2] Q Any other friends?
 [3] A I have others, but those are the ones that come to
 [4] mind.
 [5] Q Is President Clinton a friend?
 [6] A I consider him a friend, yes.
 [7] Q Is Leon Panetta a friend?
 [8] A I would consider Leon an acquaintance.
 [9] Q Is Mrs. Clinton a friend?
 [10] A Yes.
 [11] Q So you have friends within your own definition.
 [12] correct?
 [13] A Yes.
 [14] Q When you cabbed from your residence in Georgetown
 [15] to the White House --
 [16] A Just so there's no question about the fullness of
 [17] the testimony, you asked whether I had a secretary and I
 [18] referred to John Sutton. I had a special assistant who in
 [19] fact sat in my room, but she was not a secretary.
 [20] Q All right. And that person's name?
 [21] A Janice Enright, E-n-r-i-g-h-t.
 [22] Q Did anybody else sit in your room, number 108, on a
 [23] routine basis?
 [24] A No.
 [25] Q So Janice Enright and you occupied 108.

[1] A Yes. That was -- well, that was McCurry's
 [2] office -- this whole -- this complex in here, these -- one,
 [3] two -- this area here, again, I don't know how you want to
 [4] identify this for the record, but these -- one, two -- as I
 [5] look at this chart, at least -- one, two, three, four, five
 [6] offices were all part of what we called the upper press
 [7] office.
 [8] Q All right. Could you put numbers on each of those,
 [9] one, two, three, four, five?
 [10] A Okay.
 [11] Q Just in the red pen you're now holding.
 [12] A All right.
 [13] Q And up top here, just put one through five, press
 [14] offices. So McCurry and his staff and before him Dee Dee
 [15] Myers, correct?
 [16] A Yes.
 [17] Q All right. Who were some of the other occupants of
 [18] the West Wing?
 [19] A Well, here you have the lobby in which typically
 [20] there was a uniformed Secret Service agent whose name
 [21] I typically never knew and then there was -- sometimes
 [22] there was a receptionist sitting there, but typically
 [23] there was -- even when the receptionist was there, there
 [24] was a Secret Service agent, uniformed Secret Service
 [25] agent.

Page 13

[1] BY MR. WISENBERG:
 [2] Q And that's the room marked lobby on your map?
 [3] A That's the room marked lobby. Yes.
 [4] Q And underneath it, somebody has put REC area number
 [5] 4 and DCOS?
 [6] A Yes.
 [7] BY MR. PAGE:
 [8] Q All right. Any other occupants in the West Wing?
 [9] A Room 115, room 118, room 117, and room 116 were
 [10] devoted to the National Security Advisor, the Deputy National
 [11] Security Advisor and their assistants.
 [12] Q What about 113?
 [13] A 113 is, for lack of a better word, either a
 [14] secretarial suite or an assistant -- it was a smallish office
 [15] where assistants and secretaries for the Vice President sat
 [16] and worked.
 [17] Q And what about these rooms that Mr. Wisenberg
 [18] mentioned, number 4, REC room 4 and DCOS here, below lobby?
 [19] A During the time that I worked there, the room
 [20] indicated DCOS EBEL, I guess that's an L, was first used
 [21] by Bruce Lindsey and then my recollection is that Erskine
 [22] Bowles when he was made Deputy Chief of Staff was moved there
 [23] and then when he left, Mrs. Lieberman, who also was the
 [24] Deputy Chief of Staff when Mr. Bowles left, worked out of
 [25] that room.

Page 14

[1] Q Anybody in the Roosevelt Room?
 [2] A That was a general conference room that was used
 [3] for staff meetings, for briefings of people who had come into
 [4] the White House, sometimes the President's radio address,
 [5] sometimes for press conferences.
 [6] Q Any other areas in this area of the West Wing we've
 [7] been discussing where White House staff was positioned?
 [8] A The White House staff was in the room called -- I
 [9] guess it's REC area number 4. And that was a room that was
 [10] used, to the best of my knowledge, by assistants to Nancy
 [11] Herrreich, the personal aide of the President used that room,
 [12] and I recall that a couple of other people -- it was sort of
 [13] jammed. There were at least four desks in there, as I
 [14] recall, that people used.
 [15] Q In this area, then, that we've been discussing,
 [16] are there any White House staff members, secretaries personal
 [17] assistants, that we've neglected to mention?
 [18] A Well, are you including -- again, if you're
 [19] including -- are you including this area here or not?
 [20] Q Are there individuals routinely stationed or
 [21] positioned there?
 [22] A Well, in the --
 [23] Q What room, first of all, are you talking about, for
 [24] the record?
 [25] A Okay. I'm pointing to the room that's labelled GS

Page 15

[1] and I think REC number 3.
 [2] Q Right next to 108, your office, correct?
 [3] A Yes. Right.
 [4] Q Give us some direction here. Which way is north,
 [5] south, east and west on HI-1?
 [6] A That's a good question. My best recollection is
 [7] that north is towards -- as you're looking out of the West
 [8] Wing -- I never know my way around Washington. It's the most
 [9] screwed up city in the world.
 [10] My best recollection is that north is as you are
 [11] looking out of the front, what I would call the front of
 [12] the West Wing, towards Pennsylvania Avenue. South is the
 [13] opposite direction. East would be off to this direction,
 [14] towards the cabinet room. And West would be in the opposite
 [15] direction.
 [16] Q So on this diagram, the first floor where you see
 [17] this printed up top --
 [18] A Yes.
 [19] Q That's the north side.
 [20] A Yes.
 [21] Q In your opinion.
 [22] A In my opinion.
 [23] Q All right. Let's talk about, then, that space
 [24] that you just talked about that's just east of your office,
 [25] 108.

Page 16

[1] A That is the room that's labelled GS and REC 3
 [2] In that room, a small room, or in the room labelled REC 3.
 [3] It's very small, and during the time that I worked there,
 [4] George Stephanopoulos had two assistants, typically two
 [5] assistants, working there.
 [6] Q In specifically you're saying REC number 3?
 [7] A Yes.
 [8] Q Now, connected to that is another office, correct?
 [9] A Yes.
 [10] Q Which is labelled on this diagram HI-1 GS, correct?
 [11] A I'm not following you. I'm sorry, okay. I wasn't
 [12] following the first intro on that. GS. Yes. That was
 [13] Mr. Stephanopoulos' office.
 [14] Q During the timeframe you were there.
 [15] A Yes.
 [16] Q Any other White House staff, secretaries, personal
 [17] assistants or otherwise that we've not talked about now that
 [18] are positioned in this area of the diagram that we're talking
 [19] about, HI-1?
 [20] A You're counting Secret Service?
 [21] Q Excluding uniformed division and presidential
 [22] protective detail, just White House staff.
 [23] A I'm just looking. I think that is it. We did
 [24] touch, I think, the last time I was here on room 111, which
 [25] is where the Chief of Staff was situated.

Page 17

[1] Q Does he have a personal assistant?
 [2] A Well, it depends on the Chief of Staff.
 [3] Mr. Panetta had a number of assistants. I'm not sure how
 [4] you use that phrase. There was a woman who sat in this
 [5] area between 111 and 108 who I suppose would qualify as that
 [6] definition. She was the person who answered his phone and
 [7] placed phone calls for him, et cetera.
 [8] Q Anybody positioned or stationed in this Oval Office
 [9] complex area that's marked as such on HI-1?
 [10] A Well, are you including -- the Oval Office complex,
 [11] that's the dining room only or does that include other rooms.
 [12] In your view or as you're using it?
 [13] Q As I'm using it, just this room that's immediately
 [14] to the east of Stephanopoulos' office.
 [15] A That we referred to as the dining room. To my
 [16] knowledge, there was no one specifically stationed there.
 [17] The one question I have and -- I'm just thinking now.
 [18] There was a very small -- I recall it tiny -- a
 [19] kitchen service area where the White House stewards would
 [20] work from and my only question, I can't remember whether
 [21] that opened up directly into the dining room or into the
 [22] hallway that ran between the dining room and the Oval Office.
 [23] And, typically, there was one or two stewards there on, my
 [24] observation, it was a fairly regular basis when the President
 [25] was present.

Page 18

[1] Q Do you know their names?
 [2] A I don't.
 [3] Q So is it fair to say, Mr. Ickes, that you were in
 [4] fairly close proximity to a number of people in the West Wing
 [5] when you were occupying room 108?
 [6] A Well, again, "fairly close proximity" is a
 [7] characterization. I think I've testified to who was
 [8] there and you can draw your own conclusion as to what
 [9] that meant.
 [10] Q So you don't know the answer to that. Is that
 [11] what you're saying?
 [12] A I testified, sir, to where I sat, where people --
 [13] other people sat and I don't know whether you'd call that
 [14] close proximity or not.
 [15] Q Well, one of the persons you mentioned was Janice
 [16] Enright, correct?
 [17] A Yes.
 [18] Q Your special assistant, correct?
 [19] A Right.
 [20] Q Who shared the same office with you?
 [21] A Mm-hmm.
 [22] Q Would you consider that to be within close
 [23] proximity to you?
 [24] A I would.
 [25] Q And others outside your office, to a lesser degree,

Page 19

correct?
 A To a lesser degree.
 Q You had a phone in your office?
 A I did.
 Q How many phones?
 A I had -- in terms of instruments, three.
 Q Three phones?
 A Yes.
 Q Did you have a personal computer?
 A I did not.
 Q How were you able to communicate, if at all, other than by phone?
 A I yelled. Actually, I don't know -- I didn't know how to use a computer. I've since learned, but I communicated telephone, by talking to people personally, in meetings or one-on-one, by memo. That's typically how I communicated.
 Q Meetings, memos, in person.
 A In person. Right.
 Q On the phone.
 A Right.
 Q So you are saying that when you left at the end of January '97, you still didn't have a personal computer in your office by which you could send e-mail or otherwise.
 A I did not have a personal computer.

Page 22

referring to. Yes.
 Q Have you ever met or conducted a meeting with anybody in the study?
 A Yes.
 Q Is that how you are familiar with this area?
 A I have -- the answer is yes, I've met people there and I've conducted meetings there. Or I've participated -- let me put it this way, I've participated in meetings in that area.
 Q Can you give us an idea of the meetings that you've had there, some of the people?
 A It would depend on the issue. Sometimes I would meet with the President alone there, sometimes I have met with the President and the Vice President there. But typically, it would be a broader group of people.
 Q Often when I was there, at least, the President sometimes was briefed in the Oval Office on particular issues, sometimes he was briefed in the Oval Office complex, that is, the dining room. Those are the situations that were quite typical in my experience.
 Q So study, Oval Office and what's labelled here the Oval Office complex, which is really the dining room?
 A And the question is?
 Q That's where you met with and had meetings involving the President and others.

Page 20

Q Did Ms. Enright?
 A She did.
 Q Is the White House West Wing offices, are they connected by computers where people can send e-mails?
 A To my knowledge, yes, they are and people did send e-mails.
 Q Was that the only reason, that you were not -- or didn't know how, in your words, to operate a computer, that you chose not to have one?
 A Yes. It would be useless.
 Q You testified during your last appearance that you followed the Whitewater matter closely because that was one of your jobs, to monitor that, correct?
 A Yes.
 Q Did you have to interact with people in the West Wing when you were doing that job?
 A Yes.
 Q And did you generate memos and go see people and talk to them directly when you were doing that?
 A I generated, I think, very few memos that I can recall. Whatever I had has been turned over to my lawyers. I talked to people, primarily.
 Q So basically have you ever heard this expression "face time" where you would spend some time with the person directly, sitting down, talking about your thoughts, ideas,

Page 23

A Yes. Typically, the meetings, if they involved more than the President would be either in the Oval Office or in what you have labelled here as the Oval Office complex, which I refer to as the dining room.
 Q Where --
 A And --
 Q Go ahead. Excuse me.
 A No, go ahead.
 Q And where would your meetings be if you met exclusively with the President and perhaps one other?
 A Typically, they would be either in the Oval Office or in the Oval Office complex. On very rare occasion, I was with him in the study, but the study is very small.
 Q He also has some books in there, he keeps some golf clubs which he sometimes likes to show to people, and then on the walls in the little hallway that go from the Oval Office to the dining room, he has displays, large displays, that are in wooden frames with glass over them of many, many campaign buttons and memorabilia that sometimes he likes to show people.
 MR. WISENBERG: Can I ask a quick question?
 THE WITNESS: Yes.
 BY MR. WISENBERG:
 Q I just want to make sure about something, Mr. Ickes. Just for record purposes, when you refer to the

Page 21

bringing people up to date? Is that what you're saying?
 A Well, I don't use that term myself, but I would talk to people and meet with them, yes.
 Q And the meetings that you had, is it fair and accurate to say that during your three years that you spent at the White House you probably spoke with most of the people that we've already talked about in the West Wing?
 A Yes.
 Q And would that be on more than one occasion?
 A I think that's certainly fair to say. Yes.
 Q Are you familiar with this area that you mentioned a couple of minutes ago, the area between the Oval Office complex and the actual Oval Office as depicted on HI-1?
 A I'm fairly familiar with it. Yes.
 Q And what are those areas? You mentioned a service area where some stewards stay?
 A Yes. To the best of my recollection, there is a bathroom, there is a stewards area, there is a hallway, very short, from the Oval Office itself that ends up in the dining room or what you have labelled here as the Oval Office complex, and there is a small study.
 Q Is there a door that separates that area and the Oval Office?
 A There is a door that leads out of -- there's a door between the Oval Office and this area that you have been

Page 24

study --
 A Yes.
 Q You're referring to the actual room on the map marked study?
 A Yes.
 Q Okay. You were not also meaning to include in that definition the hallway you've been talking about that leads from the Oval Office to both the dining room and the study.
 A No. That's a good question, but, no. When I'm referring to the study, it's the small room here.
 Q Okay.
 A And that's why I said in the hallway that leads from the oval to the dining room, he has the campaign memorabilia that I referred to and I think there may be even some books there. I'm not positive.
 MR. WISENBERG: Thank you.
 BY MR. PAGE:
 Q Among the various ways that we've talked about of passing on information to others with whom you worked here in the West Wing or acquiring information, I believe you mentioned phone, in person, memos, meetings, what was your preference?
 A It depended, sir, very much on the issue and the urgency. Sometimes by memos. There was a lot on the telephone. And sometimes in person.

Page 25

[1] Q Was there any protocol involved in meeting, for
 [2] example, with the Chief of Staff when you were there?
 [3] A Well --
 [4] Q In other words, could you go to him, Mr. Ickes?
 [5] Did he have an open door policy?
 [6] A He had -- as far as I was concerned, with respect
 [7] to myself, it was an open door policy. I tried not to abuse
 [8] that because I was busy and he was busy, but any time I
 [9] needed to see Leon, I would typically go to the person who
 [10] was his assistant and ask her if Leon was free. Sometimes
 [11] he was on the phone, sometimes he had a meeting, so I didn't
 [12] want to just barge in the room unless it was a total
 [13] emergency.
 [14] And she would say he's either here or he's not
 [15] here, he's free or he's not free; if it's urgent, okay; if
 [16] it's not, could you come back at a different time. But
 [17] generally speaking, I would say that I had quite free access
 [18] to Leon and felt that way and I think that Leon felt the same
 [19] about me.
 [20] Q Anybody else that there was a protocol, a special
 [21] protocol that you had to follow in order to either get
 [22] information or convey it in your job as Deputy Chief of
 [23] Staff?
 [24] A Well, I think the two people in which there was a
 [25] similar protocol would be with respect to the President and

Page 28

[1] manifested, there would be a list of people who would be
 [2] participating in that meeting with the President. Sometimes
 [3] the President would set that meeting.
 [4] More typically, it would be the Chief of Staff who
 [5] presumably had talked to the President about setting a
 [6] meeting and deciding upon the individuals that they wanted to
 [7] participate in the meeting, so that's one way. Another way
 [8] is the President would sometimes call me or Mr. Panetta or
 [9] presumably others individually to come down to talk to him
 [10] and then there were times when Leon, much more often Leon
 [11] than myself would need to see him to report back to him on
 [12] something that he had asked us to do or needed to bring
 [13] information to his attention that we thought needed to be
 [14] brought to his attention at the time, and I would either go
 [15] through -- as I said, through one of those four individuals
 [16] typically.
 [17] Q Well, what happens if the President, as you just
 [18] testified, called you and said, "Hey, come on down, I need to
 [19] talk with you"?
 [20] A Typically, I would go down into what you referred
 [21] to as the Betty Currie office, the secretarial suite.
 [22] Q You're referring to on HI-1, there BC?
 [23] A BC. Yes. You also have it labelled reception area
 [24] number 1, I think that pertains to that.
 [25] Q Right. So you'd go down walkway number one here

Page 26

[1] with respect to the Vice President for, I think, fairly
 [2] obvious reasons.
 [3] Q And why don't you describe what it was with the
 [4] Vice President. How would you access him? What protocol was
 [5] there?
 [6] A The protocol, I would either be summoned or asked
 [7] to meet with him, typically, that would be put on the
 [8] schedule, my schedule, his schedule. If I needed to see
 [9] the Vice President, which was seldom, I would -- either I or
 [10] Ms. Enright sometimes or our assistant that sat in a room
 [11] between the Chief of Staff's office and my office would call
 [12] his scheduler and make an appointment.
 [13] Q Is his office anywhere in this area that we've been
 [14] talking about?
 [15] A Yes. His office is unlabeled. It is the office
 [16] that is between room 113 and 116.
 [17] Q All right. Would you mind putting a VP in the red
 [18] pen in that area. And then underneath that, Gore. That's
 [19] his office?
 [20] A That's one of his offices.
 [21] Q Did he routinely occupy that when you were there?
 [22] A I don't know how much he occupied that office
 [23] because he has a larger suite of offices across what is known
 [24] as West Drive in the Old Executive Office Building, but he
 [25] was there from time to time.

Page 27

[1] Q So basically you went through the Vice President's
 [2] secretary.
 [3] A Through his secretary and/or scheduler, whatever
 [4] phrase is the best one.
 [5] Q And you mentioned the President as well
 [6] as someone who like the Vice President had a protocol before
 [7] you could access that person, correct?
 [8] A There was -- yes. There was a protocol.
 [9] Typically, not invariably, but there was a protocol there in
 [10] which at least during my tenure it would be to go either to
 [11] the Chief of Staff or to the scheduler or to Nancy Herrnreich
 [12] or Betty Currie. Those were the primary -- not necessarily
 [13] exclusive, but almost exclusive ways that I used to get to
 [14] the President.
 [15] Q You said typically but not invariably there was a
 [16] protocol and then you mentioned these four individuals: the
 [17] Chief of Staff, the scheduler, Herrnreich and Currie, correct?
 [18] A Mm-hmm.
 [19] Q Tell us typically when you accessed these people
 [20] how it worked. Or went to these people to access the
 [21] President.
 [22] A Well, there were -- accessing the President is a
 [23] complicated phrase. There were times when the Chief of Staff
 [24] would -- there were times when the President would have a
 [25] meeting on his schedule in which certain people would be

Page 29

[1] from your office.
 [2] A Typically, yes.
 [3] Q Go into Betty Currie's office.
 [4] A Yes. And then I would say to either -- whoever was
 [5] seated at Betty's desk or often I would check in with Nancy
 [6] Herrnreich and say that the President had asked me to come
 [7] down and was it okay to go into the Oval Office, assuming
 [8] that he was in the Oval Office.
 [9] Q And what do you do if they're not there and the
 [10] President's called you down?
 [11] A If the President has called me down and they're not
 [12] there, which was very rare, I would go into this -- in
 [13] through here -- again --
 [14] Q You're referring again to --
 [15] A Yes, I'm sorry.
 [16] Q That's okay. You're referring again to the
 [17] reception area?
 [18] A Into the reception area and would then knock on
 [19] the -- if he were in the Oval Office, sometimes he was out in
 [20] this reception area number 1. It was not unusual for the
 [21] President to be out there. But if he were in the Oval
 [22] Office, the door would either be open, the door from
 [23] reception area number 1 would either be open or closed,
 [24] typically it was closed but not invariably, and if it were
 [25] closed, I would knock on the door and open it and tell him

Page 30

[1] that I was there, ask him if he wanted me to come in.
 [2] Q The door you're pointing to, if you look at the
 [3] Oval Office here on HI-1 and assume for this purpose that
 [4] it's a clock, that would be the 1:00 door?
 [5] A Yes.
 [6] Q That's the door that if it was closed, you would
 [7] knock and if it was open, you would just stand in the
 [8] passageway?
 [9] A Mm-hmm.
 [10] Q Hoping that President Clinton would see you and
 [11] wave you in?
 [12] A Well, no. I would always say, if he were -- first
 [13] of all -- let me back up. His desk that he typically sat at
 [14] if he were in the Oval Office -- he sat in a way that faced
 [15] this 1:00 door that you've referred to.
 [16] Q All right.
 [17] A So I would either knock on the door or if the door
 [18] were open, I would say, "Mr. President, I'm here," something
 [19] to that effect.
 [20] Q Nothing that impaired either his vision or yours or
 [21] someone who would stand at the 1:00 position and look at him
 [22] where he sat at his desk in the Oval Office?
 [23] A Well, it depends. If there were only -- if only he
 [24] was in the room and I were in the door, the answer is there
 [25] was nothing to impair you, but sometimes he would ask me to

Page 31

[1] come down and there would be a big crowd of people in there
 [2] and so then vision would be impaired.
 [3] Q You said typically the door was closed?
 [4] A Typically, it was closed.
 [5] Q And when you say closed, I want to ask, do you mean
 [6] fully closed like the doors are to this grand jury room now?
 [7] Do you mean cracked a little bit or what exactly do you mean?
 [8] A I mean fully closed.
 [9] Q Fully closed and latched, correct?
 [10] A Well, when you say "latched," I don't know whether
 [11] there was a working latch on that door, to tell you the
 [12] truth. I think -- there were certainly door handles.
 [13] Whether they worked or not -- I don't know. I think they
 [14] did.
 [15] Q Do you know whether the President would ever leave
 [16] that 1:00 door cracked open?
 [17] A He may have. To my knowledge, it was typically
 [18] either fairly fully open, I mean, you can -- there's open and
 [19] open. I mean, it can swing all the way back and there's a
 [20] doorstep on it. But my experience was that it was usually
 [21] closed.
 [22] Q And closed in the manner that I have suggested.
 [23] A Right.
 [24] Q Fully closed, correct?
 [25] A Mm-hmm.

Page 32

[1] Q So door closed, you knock, the door opened --
 [2] A Well, I would open the door.
 [3] Q Tell me about that.
 [4] A Tell you about what?
 [5] Q That you would open the door. Tell me about when
 [6] you would open the door.
 [7] A If the President -- if either the President or
 [8] Betty Currie or somebody else, it could have been Leon, it
 [9] could have been any number of people, asked me to go down
 [10] either to a meeting or to see the President, if there were a
 [11] gaggle of people there, I walked in with them.
 [12] If the door was closed, I would almost invariably
 [13] ask either Betty or Nancy Hemreich if I could go in and
 [14] typically if I knew there was a meeting in there, I would
 [15] just walk in.
 [16] If I did not think there was a meeting in there
 [17] with other people, I would typically knock on the door or
 [18] sometimes Nancy would open the door and say, "Mr. President,
 [19] Harold is here." It really did vary depending on
 [20] circumstances.
 [21] Q Now, what would you typically do if, as we
 [22] discussed a little bit ago, neither Currie or Hemreich are
 [23] there and the President has summoned you?
 [24] A That was very infrequently, but if he asked me to
 [25] come down, I would go down and typically go through the

Page 33

[1] secretarial suite. If the door was open, I would stand in
 [2] the doorway and say, "Mr. President, I'm here."
 [3] If the door was closed, which was usual as far as
 [4] my memory serves me, I would knock on the door, open it and
 [5] tell him that I was there.
 [6] Q What was your practice if you felt a need or
 [7] someone suggested to you that you should go see the President
 [8] and chat with him about a matter within your duties?
 [9] A Well, it depended on who it was. If they thought
 [10] that I should go down immediately and the impression -- if I
 [11] was given the impression either directly or indirectly that
 [12] he wanted to see me right away, I would go down.
 [13] Q All right. And tell us about your -- the word
 [14] you've been using is "typically." What would typically have
 [15] been your practice if either you got the idea or someone
 [16] prompted you to go down and see the President?
 [17] A I'm not sure of the question.
 [18] Q Well, earlier we had talked about the President
 [19] calls, says come on down. All right?
 [20] A Mm-hmm.
 [21] Q Now I want to move on to a different situation that
 [22] prompts you to go see the President and that is you get the
 [23] idea or someone plants the idea in your head, "You should go
 [24] see the President." What do you do?
 [25] A If the person telling me -- it would depend on who

Page 34

[1] told me. If Leon told me that the President wanted to see me
 [2] or the Vice President or somebody of that stature had told me
 [3] that the President wanted to see me, where I had reason to
 [4] believe that the President communicated with them, and if
 [5] they indicated to me that the President wanted to see me
 [6] immediately, I would go down and go through basically the
 [7] same routine that we talked about.
 [8] MR. PAGE: All right. Mr. Ickes, we're going to
 [9] take a break right now.
 [10] Ten minutes?
 [11] THE FOREPERSON: Ten minutes.
 [12] MR. WISENBERG: And we will come out -- one of us
 [13] will come out and get you when we're re-queromed.
 [14] THE WITNESS: Okay. Fine. Thank you.
 [15] (Witness excused. Witness recalled.)
 [16] MR. WISENBERG: Let the record reflect that the
 [17] witness has reentered the grand jury room.
 [18] Madam Foreperson, do we have a quorum?
 [19] THE FOREPERSON: Yes, we do.
 [20] MR. WISENBERG: Are there any unauthorized persons
 [21] present in the grand jury room?
 [22] THE FOREPERSON: No, there are none.
 [23] MR. WISENBERG: Thank you.
 [24] THE FOREPERSON: Mr. Ickes, I'd like to remind you
 [25] that you are still under oath.

Page 35

[1] THE WITNESS: Yes.
 [2] BY MR. PAGE:
 [3] Q All right. Mr. Ickes, I wanted to ask you some
 [4] additional questions about when you found it necessary for
 [5] whatever reason to visit with the President in the Oval
 [6] Office.
 [7] A Right.
 [8] Q What would you typically do when you went to the
 [9] Oval Office, regardless of whose idea it was, that you talk
 [10] with him or meet with him, and you knocked on the door,
 [11] because the door was closed, and no one answered?
 [12] A Well, I guess -- the reason I'm pausing, I'm not
 [13] sure about the question. It depends -- typically, I would go
 [14] in through the secretarial suite and almost invariably either
 [15] there would be somebody in there, either Betty Currie or
 [16] Nancy Hemreich or both or sometimes a personal assistant to
 [17] the President would be in that office.
 [18] And, again, typically, but maybe -- not invariably,
 [19] but typically there would be non-uniformed Secret Service
 [20] agents outside in that hallway, but if I was asked --
 [21] either asked or instructed or informed that the President
 [22] wanted to see me, I would go into -- typically, I would go
 [23] into the secretarial suite and check with either Betty or
 [24] Nancy. Or if they weren't there, with whoever was there.
 [25] Q And what if no one was there --

Page 36

[1] A If no one was --
 [2] Q -- and the door was closed?
 [3] A I'm sorry.
 [4] Q What if no one was there and the door was closed
 [5] and you knew that you had either been summoned or that you
 [6] had been directed or that it was your own idea to speak with
 [7] the President?
 [8] A I would knock on the door and would then open it to
 [9] see if he was there and announce my presence.
 [10] Q What would you typically do if you, in the same
 [11] situation I've just described, knocked, got no answer and
 [12] then opened the door and the President was not within your
 [13] view in the Oval Office?
 [14] A I don't recall that happening, but if -- I think
 [15] that I would not go in, if he weren't there.
 [16] Q That's what you think you would, correct?
 [17] A Yes.
 [18] Q And your testimony is that you don't recall that
 [19] happening?
 [20] A I don't recall that happening because typically if
 [21] I went down -- if somebody told me the President wanted to
 [22] see me, he would either be there or Nancy would have called
 [23] me and said that the President wanted to see me. Typically,
 [24] he was there.
 [25] Q Okay. Well, I'm asking you typically in the

Page 37

1 situation I've described, Betty's not there, Betty Currie
 2 that is, Ms. Herrreich, and you go down there for whatever
 3 purpose, or I should say at whoever's suggestion, either the
 4 President's phone call, Panetta's urging you or your own
 5 idea, the door is closed, you knock, you now say typically
 6 you would open the door and look for the President and
 7 announce yourself and go in.
 8 A Mm-hmm.
 9 Q And my question was if you didn't see him after
 10 doing that, what would you do?
 11 A I would typically leave. I mean, if he weren't
 12 there. As I say, I don't recall a time that that occurred,
 13 but if it did, I would leave if he weren't there.
 14 Q When you say that you can't recall that
 15 happening --
 16 A I mean, sometimes, you know, the President --
 17 sometimes the President is out playing golf on the South
 18 Lawn.
 19 Q All right. You say now you cannot recall that
 20 happening, correct?
 21 A That's my best recollection.
 22 Q So is it fair to say that you can't exclude that it
 23 did happen?
 24 A I can't -- there are very few things that I can
 25 exclude, but, as I say, I don't recall that happening.

Page 38

1 Q So your testimony is that there are very few things
 2 that you can exclude, correct?
 3 A Most things are possible.
 4 Q And so you cannot exclude that under the situation
 5 I've described, you knocked, looked in, opened the door,
 6 looked into the Oval Office, did not find the President, and
 7 nevertheless walked in?
 8 A I don't recall doing that and I must say, Mr. Page,
 9 that -- you know, typically -- you're talking now about the
 10 President of the United States. It's not -- if somebody says
 11 to you that the President wants to see you or if Nancy or
 12 somebody has called or if the President has called, it is --
 13 it's almost -- not unthinkable, nothing's unthinkable, I
 14 suppose, but it is very hard for me to conceive of a
 15 situation when he wouldn't be there.
 16 In other words, if somebody had said to me, "The
 17 President wants to see you," or if Nancy had called and said,
 18 "The President's here, wants to see you," or Betty had called
 19 or just say that his personal aide had called or if the
 20 President himself had called and said, "Come on down," I
 21 assume he's going to be there. And I don't recall any
 22 instance in which he wasn't.
 23 I'm not saying that couldn't be true, and
 24 sometimes, you know, he would -- especially on the weekends
 25 or good weather, he would go out and he had a little putting

Page 39

1 green outside on the top end of the South Lawn that he would
 2 be out there.
 3 Q The President had a bathroom, correct, off of the
 4 Oval Office?
 5 A Yes, he did.
 6 Q And sometimes you were aware he used that bathroom,
 7 correct?
 8 A He did use it. I've seen him when we were in
 9 meetings in the Oval Office when he would get up and go to
 10 the bathroom and come back.
 11 Q Sometimes have you not seen him leave the Oval
 12 Office and go to the pantry area and get a cup of coffee and
 13 get a refreshment and return?
 14 A Typically -- I don't recall that because my best
 15 recollection is that when the President was in the Oval
 16 Office that one of the -- a steward was there and he had
 17 little buttons that he could press and a steward would come
 18 out.
 19 Q But you can't, you say, recall that, but on the
 20 other hand, you can't exclude the fact that that it may have
 21 happened, can you?
 22 A I certainly cannot exclude it, but, as I say, I
 23 don't ever recall the President getting up when the stewards
 24 were there and when he was there. My recollection is that
 25 they were always there.

Page 40

1 Q And that's your recollection now. You could have
 2 forgotten, could you not, the time that the President left
 3 the Oval Office and walked into the pantry to get a drink?
 4 A Yes, I could have.
 5 Q Same thing with the bathroom, correct?
 6 A Yes. Yes.
 7 Q So what happens if you are at the 1:00 door of the
 8 Oval Office, knock, no answer, you open the door, look in,
 9 the President's not there, but you believe him to be in the
 10 Oval Office complex, the study, the bathroom or the pantry?
 11 What do you typically do?
 12 A As I say, Mr. Page, I don't think that -- that was
 13 not a typical situation because I don't recall that
 14 occurring. It may well have, I can't exclude it, to use your
 15 phrase, but I don't recall that.
 16 I mean, when I went down -- when I was called down
 17 or summoned down to the Oval Office or directed to go to the
 18 Oval Office, the President was there and, as I say, I
 19 typically would check with either Nancy or Betty.
 20 BY MR. WISENBERG:
 21 Q I think part of the predicate of Mr. Page's
 22 question was also if in addition to the things you just
 23 named, being summoned or told, coming down on your own.
 24 Is there any incident you recall, any time you recall when
 25 you came down on your own to see the President and had the

Page 41

1 scenario Mr. Page mentioned: you knock on the door, no
 2 response, you open the door or the door is already open and
 3 the President isn't in the Oval Office? Do you call out his
 4 name or something like that?
 5 A Again, I don't -- I did not impose -- the
 6 President's a very busy person. I did not impose on him
 7 unless -- in other words, I didn't go to see the President
 8 unless he either had requested my presence or somebody on the
 9 senior staff had indicated to me that he wanted to see me.
 10 I'm not ruling out if there were an emergency and I thought
 11 that he had to know something.
 12 I think the one time that I recall going down
 13 there, it was quite a dramatic time, was when the news came
 14 through that the prime minister of Israel had died and I did
 15 go down on my own, with Tony Lake as a matter of fact,
 16 because we knew that the President was there in the Oval
 17 Office complex. It turned out that he was out on his putting
 18 green and we went down there on our own.
 19 We were not called down there. That was what I
 20 would consider an emergency type situation, given that he
 21 needed to know of that occurrence. And Mr. Lake and I walked
 22 down together and walked out. Agents were around and they
 23 told us that he was on the putting green. We went out,
 24 informed him of that and then I walked back with him to his
 25 office.

Page 42

1 But it's just not that you -- I can only refer to
 2 my practice and my process. I did not impose on the
 3 President and I with rare, rare, rare exception, the only
 4 exception I can think of right now, I'm not saying I haven't
 5 forgotten stuff, was when Prime Minister Rabin died and we
 6 informed him of that.
 7 BY MR. PAGE:
 8 Q So sometimes in this example that you've just
 9 described, the Secret Service agents might give you some
 10 information about the whereabouts of the President?
 11 A Yes. Typically, again, I -- you obviously have had
 12 agents in here and they know their routine, but my
 13 observation was that when the President was in the Oval
 14 Office, his personal security -- members of his personal
 15 security detail were stationed in and around the Oval Office.
 16 Typically, they had one or two agents in this hallway. I
 17 don't know how you want me to refer to it, but --
 18 Q Walkway number 1?
 19 MR. WISENBERG: If you could refer to it how it is
 20 on the map, that would help us.
 21 THE WITNESS: Okay.
 22 BY MR. PAGE:
 23 Q Walkway number 2, right outside the 11:00 position
 24 of the Oval Office?
 25 A Right. Hallway -- yes. Is that walkway?

Page 43

Q Yes.
 A Is that the word?
 Q Walkway number 2.
 A Yes. Walkway number 2 --
 Q You're pointing at HI-1, correct?
 A Yes. I'm pointing at HI-1. And typically, there were -- my best recollection is that there were -- when the President was in the Oval Office or in the Oval Office area, which would include, as I use that term, the secretarial area going all the way down to the -- when he was in the West Wing, let me put it that way.
 When the President was in the West Wing, his non-uniformed personal security agents were with him and if he was in this Oval Office area, typically, my recollection is that one or two non-uniformed agents would be here in this walkway 1 and walkway 2 and, in addition, agents were in this -- what you have labelled here, I think, as colonnade, which is this -- there's sort of -- not sort of, there's a sidewalk along the cabinet room and coming around to part of the Oval Office and there were agents stationed there as well.
 Q Now, what about on weekends when the staff is -- Betty Currie and Nancy Hemreich aren't present and you felt the need, for whatever reason, to go and try to talk with the President?

Page 44

A Again, I would -- again, I may have forgotten, but --
 Q May have forgotten what?
 A I may have forgotten -- let me back up. I was using your phrase in the sense that I could have forgotten. You've asked that several times. I do not recall other than -- and, again, I may have forgotten if I went down on my own. I did go down when the prime minister died, when we got the news on that.
 But I don't recall as I sit here today going down to see the President unless he had -- or somebody had notified me that he wanted to see me. Either he called or he had the White House switchboard call or he had Nancy, Betty or his personal aide -- and, again, I don't want to say invariably, but more often than not, my recollection is that when he was in the Oval Office, even on the weekends, somebody was usually with him, either his personal aide or Betty or Nancy.
 Q But you're saying that you can't exclude the possibility that either Betty Currie or Nancy Hemreich weren't present and that you knocked on the door, opened it and announced yourself.
 A I cannot exclude that as -- no. I cannot exclude that. But --
 Q Can you exclude the possibility --

Page 45

A It would have been rare indeed.
 Q -- that after having those facts that I just gave you occur that you entered into the Oval Office and knocked on the door leading to the study?
 A Would I go into the Oval Office and then do what?
 Q Not would you. Can you exclude, based upon those facts that I've given you: Betty Currie not present, Hemreich not present, it's a weekend, you knock, no answer, you enter and walk into the Oval Office, looking for the President, and then either call out for him or knock on the door to the Oval Office complex, study/bathroom/pantry?
 A Mr. Page, I can't exclude that. I find it very difficult to believe, unless there were an emergency, my doing that.
 MR. WISENBERG: Can I butt in?
 MR. PAGE: Yes.
 BY MR. WISENBERG:
 Q You mentioned the switchboard as an example of something that -- as one of the examples that had to do with others outside yourself prompting you to see the President. Do you ever recall an occasion that you were notified by the switchboard on a weekend and that that prompted you to go in and see the President?
 A The President had -- first of all, the President's very peripatetic. It was not unusual, either during regular

Page 46

office hours, however defined, or on the weekend, for the President to walk down to the Chief of Staff's office and to talk to either myself or to Leon. He didn't do that frequently, but it was not unusual for him to do that.
 On more than one occasion, I recall working in my office, my desk faced my door. I'm now using -- let me put my glasses on here -- in room 108, my desk was situated so that I -- when I was seated at the desk, I faced the door. And I recall on more than one occasion looking up and there the President was standing in the doorway or sometimes he would say something. So it was not unusual for him to be up and down this hallway.
 Q But what I meant was do you recall a situation where the President is presumably somewhere in the -- somewhere, let's not say we don't know where, you're in the White House, it's a weekend, and you get a call from the switchboard. You mentioned the switchboard.
 A Right.
 Q And basically saying something to this effect, not at all exactly, but as an example, we have a call coming in for the President and he's not picking up and it's an important call, can you go locate him. Anything like that?
 A Again, I can't exclude that. I don't recall that happening. Typically, my best recollection is that the President -- if the President wanted somebody, he would -- I

Page 47

I think that he has some direct dials on his phone, but typically what would happen is that the switchboard would call me and say that the President is looking for you because often the switchboard didn't know where I was.
 Q As opposed to the switchboard calling you and saying we need someone at a high enough level to go and get the President because X wants to talk to him.
 A I can't exclude that, Mr. Wisenberg, but typically on phone calls that are coming in to the President, I don't know what the protocol at the switchboard is. You'd have to ask the switchboard operators.
 But during my time period there, I do not recall -- and, again, I can't exclude this, to use your phrase -- Mr. Page, I can't recall the operators calling me to find out where the President is. I mean, he's got -- he's got agents around him, they keep very close track of him, I assume, but you know that from your testimony that you've gotten from them. And the switchboard operator keeps fairly close track of him as well.
 BY MR. PAGE:
 Q Did you ever, Mr. Ickes, on a weekend go down the hallway from your office towards the Oval Office area and in an attempt to see the President in the Oval Office have a Secret Service agent unlock this door into Betty Currie's office here that I'm pointing at on HI-1?

Page 48

A Yes. If -- sometimes when the President was there on the weekend, and it varied, but typically when the President was there on the weekend and if nobody -- if there were no personal aides -- when I say "personal aides," if Betty wasn't there, if Nancy were not there, they were often there, but if they weren't there, and if his personal aide, either Andrew Friendly or Stephen Goodin or somebody substituting for them were not there, if he were literally here by himself with his non-uniformed agents, this door was kept locked.
 So if the President called me or if the switchboard called me and said that the President wanted to see me or wanted to know where I was and wanted me to come down and see him, sometimes they would hook me up by phone with him, or I would go down and I would tell the agent, and my recollection is, again, the agents have already -- I don't know what their protocol is, my best recollection is that there were typically a couple of agents in this hallway.
 They would then -- I would tell them who I was, most of them knew who I was at that point, and say to them that the President wanted to see me, they would unlock the door, and I would then go in.
 BY MR. WISENBERG:
 Q Let me just interrupt you for record purposes.
 A Yes.

Page 49

Q When you say "a couple of agents in this hallway," again, you're referring to walkway 2, correct?

A Walkway 2 and walkway 1. I'm not sure where one stops and the other starts, but if walkway 2 - it's hard to do this. This here, this arrow here is the entrance into the secretarial suite. Is that correct?

Q Yes. That was the next thing I was going to ask you, is the door that we're referencing that you had unlocked, that you would have them unlock, which is into what's called reception area 1 on the map, you appear to be indicating that it is at a spot between walkway 2 and what's called waiting area one.

A Oh, waiting area. I'm sorry. That's waiting area 1.

Q Okay. When you said you weren't sure whether it was walkway 1 or 2, you meant waiting area 1 or walkway 2?

A Yes. You're right.

Q And it's at a point right near the end of an arrow, where the arrow is going through the letter O. Is that correct?

A Yes.

Q All right.

A That's the door that I assume on this - this footprint goes into the secretarial office from what you have designated as waiting area 1.

Page 50

Q Okay.

A That is the door that would - if the President were there, either at night or on the weekend or any other time, and there was no one in what you have called - what you have labelled as reception area 1, which I call the secretarial suite, Betty's not there, Nancy's not there, personal aide is not there or somebody substituting, then typically my experience was that this door going from waiting area 1 into reception area 1 was locked.

MR. WISENBERG: Thank you.

THE WITNESS: And that would be the door - if I were informed either by the President directly or more typically through the White House operator that the President was in this - what I call - was in the West Wing and wanted to see me, then I would go down - and obviously if I were there, I would go down and if that door were locked, I would tell the agent who I was, they knew me by then, tell him that I just received a call that the President wanted to see me and they would unlock the door. This door here.

BY MR. PAGE:

Q This door here, Mr. Ickes, on HI-1 leading into the hallway to the study and the Oval Office complex/dining room, have you ever knocked on that door?

A I don't recall ever knocking on that door. That door was - during this presidency, that door was very seldom

Page 51

used.

Q I'm not talking about the door at 11:00.

A I'm sorry.

Q I'm talking about the door at 9:00.

A At 9:00?

Q Correct.

A You mean - okay. I apologize.

MR. WISENBERG: The door leading from the Oval Office into the hallway that leads from the Oval Office to the dining room, the 9:00 door if the Oval Office were a clock.

THE WITNESS: I can't ever recall, again, to use your phrase, Mr. Page, I can't exclude it completely, but I can't ever remember entering the Oval Office for the first time on a given transaction through that door.

BY MR. PAGE:

Q I'm not saying entering into the Oval Office -

A Okay.

Q - in a transaction. I'm saying did you ever knock on that door from the Oval Office side -

A Oh, from the Oval Office side? I don't recall having done so.

Q But you can't exclude it.

A No, I can't exclude it.

Q Did you ever while in any part of the Oval Office

Page 52

call out to the President trying to find out where he was?

A Again, I can't exclude it, but I don't recall it.

No.

Q All right. I want to ask you some follow-up questions and talk with you about early April of 1996 and I want to represent to you some facts.

In early April of 1996, Mr. Ickes, Tony Blair was about to visit Washington, D.C. It was an election year and according to press reports, Sidney Blumenthal was handing out bumper stickers that said "Dole is 96."

On April 3, 1996, a gentleman who you had worked for, Ron Brown, died in an airplane crash. Jim Guy Tucker was on trial in federal court in Arkansas in a Whitewater-related matter, a matter within your job description, as you've testified earlier. "Bloodsport," a book by James Stuart, had just been released.

A federal court in Richmond had just released a decision denying the request to delay the lawsuit Jones v. Clinton until after President Clinton left office.

And a federal court in Richmond had just upheld the "don't ask/don't tell" policy that bars known homosexuals from the armed services. President Clinton was about to take a trip to the nuclear safety summit in Moscow. And, finally, the First Lady had just returned home from Athens, Greece.

Page 53

And just to make the record clear, I misspoke when I said that the 8th Circuit was in Richmond. Actually, the 8th Circuit is in a different city, but it is accurate to say that they had just denied President Clinton's request to delay the Jones v. Clinton litigation until after he left office.

Knowing all that, if my representations are accurate, and that this is in the middle of the Whitewater trial, which is a matter within your assignment as Deputy Chief of Staff, correct?

A It was.

Q Do you remember that time of year in early April of 1996?

A Not as you've described it.

Q I'm sorry?

A Not as you've described it. I don't mean - I'm not being flip. I don't remember all of these events. I mean, I'll take your word that all of this occurred. Do I remember 1996? Yes. It was a very tumultuous year and I was very involved in overseeing the President's political apparatus and reelection. And although Whitewater was still under my purview, by that time, it had become on a day-to-day basis, it was under the management of Jane Sherburne and her staff. Jane did report to me, I in turn reported to the Chief of Staff, but I was not involved nearly as much in the

Page 54

so-called Whitewater, however defined, and I defined it pretty broadly, as I had been in early '94.

Q But you were involved.

A I was involved, yes. But, as I said, Jane was handling it very much on a day-to-day basis and reported to me not necessarily every day.

Q Was it a matter of interest for you or Sherburne that the week before Easter a witness in the Whitewater trial had, as he testified, mentioned President Clinton's alleged involvement?

A In?

Q In Whitewater.

A I don't recall the specific instance. I think it's fair to say I would have been interested, yes, and probably would have discussed it with Ms. Sherburne.

Q And with the President?

A I don't know. It would depend very much on the circumstance. There was much that went on in Whitewater and much that Ms. Sherburne and I discussed that I did not discuss with the President.

Q But you can't exclude visiting or discussing with the President aspects of Whitewater because it was an ongoing trial at the time, correct?

A There were times when I had discussions with the President about Whitewater. Yes.

Page 55

[1] Q During this timeframe?
 [2] A During '96, I don't recall any specific
 [3] discussions. I probably had some conversations with the
 [4] President, but, as I said, the management of Whitewater was
 [5] very much centered with Ms. Sherburne and her staff and I'm
 [6] not even sure I discussed it with her every day.
 [7] Q Do you have any better memory of early April 1996
 [8] now that I've given you these markers, so to speak?
 [9] A My best memory of April 1996 and that time period
 [10] was the re-election campaign and ongoing discussion of which
 [11] I was very much a part of how we were going to finance the
 [12] reelection campaign, what media we were going to use, when we
 [13] were going to run media. There was a great deal of emphasis
 [14] on that.
 [15] With respect to Whitewater, as I've said before, I
 [16] have great confidence in Ms. Sherburne, I recruited her to
 [17] manage that unit and she did report to me, we did talk about
 [18] it from time to time. I couldn't any more tell you as I sit
 [19] here today what we talked about during April of '96.
 [20] Q But it's likely since the federal trial was going
 [21] on that you had discussions with both Ms. Sherburne as well
 [22] as the President, correct?
 [23] A It is likely that I had discussions with
 [24] Ms. Sherburne. It is not necessarily likely, although,
 [25] to use your phrase, I can't exclude it, that I had

Page 56

[1] conversations with the President.
 [2] Q Are you friends with any members of the United
 [3] States Secret Service, whether uniformed division or
 [4] protective presidential detail?
 [5] A Not in the terms that you and I discussed earlier.
 [6] Q Are any of those members that I've just described
 [7] acquaintances of yours?
 [8] A Yes. I know them and have worked with them.
 [9] Q Do you know any of them by name?
 [10] A I do know some.
 [11] Q And what are their names, please?
 [12] A The names that I recall at this point would be Mr.
 [13] Carpenter, David Carpenter, who was the head of the
 [14] President's personal detail during the election, the 1992
 [15] election, and for a period of time after he became president,
 [16] was sworn in as president. Lew Merletti I worked with, know
 [17] fairly well and worked with quite closely. I can't remember
 [18] his last name. Brian whatever his last name was, who
 [19] succeeded Mr. Merletti as the chief of the detail. I knew
 [20] Larry Cockell. Those were the primary people.
 [21] The first three were the primary people I dealt
 [22] with because as Deputy Chief of Staff I was involved in a
 [23] number of the President's trips and therefore related very
 [24] closely with the heads of his personal detail. I knew
 [25] others. I can't recall their names as I sit here today, but

Page 57

[1] knew a number of people on the detail.
 [2] Q What about acquaintances at a different level,
 [3] people who would work actually in the White House, whether
 [4] members of the uniformed division or the presidential
 [5] protective detail, stationed in the hallway, for example,
 [6] right outside the Oval Office?
 [7] A I knew a number of the agents by sight. I am not
 [8] good on names or numbers, but I did not know their -- there
 [9] are a number of the agents in the President's personal detail
 [10] that I knew on sight, we were on speaking acquaintance, hi,
 [11] how are you, what's going on, that type of discussion. But I
 [12] would be hard pressed to remember names. If you mentioned
 [13] names, it would probably jog my memory. So that's on his
 [14] personal detail.
 [15] On the uniformed detail, I knew a number of the
 [16] agents by sight and were they to walk in here today I would
 [17] undoubtedly recognize them. I can't recall one specific name
 [18] of one uniformed agent.
 [19] Q So did you befriend anybody on the uniformed
 [20] division or have regular contact with that person?
 [21] A Well, I wouldn't use the word "befriend." I knew
 [22] them because they were in -- it was a fairly regular detail
 [23] which turned over from time to time and there were people who
 [24] I recognized and was on hi, how are you, good morning, good
 [25] evening basis with and that was it.

Page 58

[1] MR. WISENBERG: Pardon us just a second.
 [2] (Pause.)
 [3] BY MR. WISENBERG:
 [4] Q Do you recall, Mr. Ickes, an occasion where either
 [5] a PPD, that's the plainclothes presidential personnel,
 [6] presidential protective detail, sorry, either a plainclothes
 [7] or uniformed Secret Service agent ever came to get you or ask
 [8] for your assistance in an effort to go and get the President
 [9] about a particular issue? In other words, the President is
 [10] needed by somebody, but the agent doesn't feel that he or she
 [11] has kind of the stature to go do it and they come to get you
 [12] and seek your aid. Do you ever recall that?
 [13] A I don't recall that. Again, to use Mr. Page's
 [14] phrase, I can't exclude it, but it may well -- it may have
 [15] been, but I have no recollection of it. And, quite frankly,
 [16] I find it hard to believe that the non-uniformed agents would
 [17] ever feel that they could not approach the President.
 [18] I mean, they are assigned to protect him and my
 [19] understanding was that they always knew where he was and
 [20] always have access to him, maybe with the exception of the
 [21] residence. I don't know what the ground rules were in the
 [22] residence, but certainly outside the residence. That was my
 [23] working assumption. I don't know what the facts are.
 [24] Q Do you recall working on Easter Sunday in 1996?
 [25] A I have no recollection whether I did or not.

Page 59

[1] Q All right. Assuming that people have said or
 [2] records show that you were working, you would have no reason
 [3] to necessarily to doubt that. Is that a fair statement?
 [4] A What year is this?
 [5] Q 1996.
 [6] A Well, depending what the records were or depending
 [7] on who said it. The answer is I don't know whether I was
 [8] working on Easter Sunday or not. It sounds a little odd that
 [9] I would be working on Easter Sunday, but maybe.
 [10] Q Other than the fact that it sounds a little odd,
 [11] you have no specific reason to -- recollection that you
 [12] didn't work on Easter Sunday 1996. Is that correct?
 [13] A No, but to turn it around, I have no recollection
 [14] that I did, either.
 [15] Q You can't exclude it, to use Mr. Page's term.
 [16] A No. Under that formulation, I cannot exclude it.
 [17] That's a pretty tough test to meet.
 [18] Q And as I understand your testimony, I want to make
 [19] sure I've got it right, there were occasions on the weekend
 [20] that you can recall, on weekends when you did work during
 [21] your time at the White House where when you went to see the
 [22] President you would have to have agents unlock the door that
 [23] led into what we have called reception area 1. Is that
 [24] correct?
 [25] A I recall that occurring. When, I couldn't even

Page 60

[1] recall the year, but I do recall it happening on very rare
 [2] occasions and to the best of my recollection, I had been
 [3] informed that the President wanted to see me.
 [4] Q Okay. And, again, you can't exclude that -- as I
 [5] understand you, you can't exclude that there might have been
 [6] an occasion when that scenario happened, going down and
 [7] having that door unlocked, when you didn't necessarily know
 [8] that the President wanted to see you, but that you wanted to
 [9] see him for whatever reason.
 [10] A Again, as I said, that's a very hard test to meet.
 [11] No. The answer is I can't definitely exclude it. I find it
 [12] very hard to believe that that occurred because typically the
 [13] President -- I didn't impose on the President's time.
 [14] And unless it were what I considered an urgent, a
 [15] very urgent, matter or an emergency, and I would put the
 [16] death of the Israeli prime minister in that category for
 [17] obvious reasons because the press was going to be -- he
 [18] needed to know, at least my view was that he needed to know,
 [19] I can't think of an instance in which I would invade the
 [20] President's privacy unless he had asked me to come down to
 [21] see him.
 [22] Q And, again, it's not -- as I understand your
 [23] testimony, it would be atypical or unusual and you don't
 [24] have a recollection of it, but you can't exclude that there
 [25] might have been a time when the switchboard, White House

Page 61

switchboard, was actually trying to locate the President for whatever reason and would have asked your assistance.
 A I can't exclude it. On the other hand, I don't recall the switchboard -- I was usually the one calling the switchboard to find out if I could talk to the President, if I wanted to talk to him, or returning his call. I can't exclude that and I would also point out that there were -- I don't know, I think there are one, two -- there must be four or five different telephone stations in what I think we're generally using colloquially here at least the Oval Office complex, that is, the Oval Office, going down in the secretarial -- if you take the secretarial suite, the Oval Office, the study and the dining room and maybe even in the bathroom, although I'm not sure of that, there are five or six telephone units in that -- at least, if not more.
 Q Do you know Dick Morris?
 A Do I know Dick Morris?
 Q Richard Morris?
 A Yes.
 Q The political analyst who has worked at various times for the President?
 A Yes, I do.
 Q Do you ever recall an occasion when -- being informed by anybody while you were at the White House that Dick Morris was trying to reach the President?

Page 62

A I don't recall that. My understanding was that Dick had the private lines to the President, but that's an understanding only. I don't know that as a fact.
 Q Do you ever recall being told that there was a call, an international call, for the President? An urgent international call by anybody?
 A I don't recall that. No.
 Q You can't exclude that?
 A No. I can't exclude it, I just don't recall it.
 Q And I take it you can't exclude being told that Dick Morris was trying to reach the President in an emergency situation, but you have no recollection of it?
 A No.
 Q Is that -- that no will look weird on the transcript, so no --
 A I'm sorry.
 Q Your answer is no, you can't recall it but you can't exclude it?
 A No. I can't -- I can't recall -- in other words, your question was did anybody notify me that there was an international call from Dick Morris, urgent from the President, and the answer is I have no recollection of that, but, to use Mr. Page's very tough formulation, I can't exclude it.
 Q I want to put together some of the various

Page 63

hypotheticals we've thrown at you and ask you whether or not you recall this or anything even like this ever happening, which is weekend at the White House; you're working; for whatever reason, you go to see the President; you go to the door into reception area 1, to that area, and it's locked; you ask -- you had an agent, uniformed or plainclothes, open it for you; perhaps an agent, a new agent, asks you to identify yourself or doesn't know who you are at first; you go into the reception area; you go into the Oval Office or stand at the door; call out; the President isn't there at first but answers and then comes out from the area of the 9:00 door.
 Do you have any recollection as you sit here today of any event like that happening?
 A I don't, as I sit here today.
 Q But you do not exclude that it could have happened.
 A I don't exclude that it could have happened, but I don't have any recollection of that happening.
 MR. WISENBERG: We are at a topic switching point and we're at lunchtime, I am informed by the forelady.
 How long does the grand jury need for --
 THE FOREPERSON: Lunch?
 MR. WISENBERG: -- lunch today?
 THE FOREPERSON: One hour.
 MR. WISENBERG: Okay.

Page 64

I'm going to ask you before we take our lunch, before the grand jury takes its lunch break, Mr. Ickes, if you could step outside for just a moment.
 THE WITNESS: Yes. You just want me to stand outside the door?
 MR. WISENBERG: Right. Just --
 MR. PAGE: Down the hallway.
 MR. WISENBERG: Down the hallway.
 THE WITNESS: Okay.
 MR. WISENBERG: But the interior hallway.
 THE WITNESS: Okay.
 (Whereupon, at 12:46 p.m., a luncheon recess was taken.)

Page 65

AFTERNOON SESSION
 (1:59 p.m.)
 Whereupon,
 HAROLD ICKES
 was recalled as a witness and, after having been previously duly sworn by the Foreperson of the Grand Jury, was examined and testified further as follows:
 EXAMINATION (RESUMED)
 MR. WISENBERG: Let the record reflect that the witness, Mr. Ickes, has reentered the grand jury room.
 Madam Foreperson, do we have a quorum?
 THE FOREPERSON: Yes, we do.
 MR. WISENBERG: Are there any unauthorized people present?
 THE FOREPERSON: No, there are not.
 MR. WISENBERG: Great.
 THE FOREPERSON: Mr. Ickes, I'd like to remind you that you are still under oath.
 THE WITNESS: I remember.
 THE FOREPERSON: Thank you.
 BY MR. PAGE:
 Q Mr. Ickes, before we broke for lunch, Mr. Wisenberg was asking you about some events in April of 1996 and I want to ask you a couple of follow-up questions regarding that. Do you keep a calendar of your activities?

Page 66

A Did I keep a calendar?
 Q Yes.
 A No, I did not keep a calendar.
 Q Did you keep memos or any other kind of logs or paperwork to remind you about what you were to do or what you had done?
 A To the extent that I kept any of those, they would either be with my current attorneys or, more likely, have been left with the White House.
 Q What kinds of things would have been left at the White House that related to your schedule of activities as Deputy Chief of Staff?
 A Typically, I would have a daily schedule. It was on a piece of paper that I did not keep.
 Q You mean you threw it away?
 A Yes. After the end of the day, I threw it away.
 Or the next day. But I did not have a -- other than that, that was all that I recall keeping. I would keep notes and stuff in meetings that I thought I needed to keep. Many of those were left at the White House; some were taken from the White House. Those that are pertinent to this subpoena and many other subpoenas that I've had over the course of the last four or five years have been turned over to my attorneys.
 Q Who prepared your daily schedule for you?

Page 67

1 A Typically John Sutton. To the extent that I had a
 2 daily schedule prepared. John Sutton would do it.
 3 Q All right. I want to read some things to you.
 4 This is from "Behind the Oval Office, Winning the Presidency
 5 in the '90s," a book that Dick Morris authored.
 6 A Oh, that paragon of truthfulness?
 7 Q At page 164, he writes, "President Clinton absorbs
 8 and retains data at incredible speeds with pinpoint accuracy
 9 and near total recall. He knows endless facts and perfectly
 10 encodes the exact advice he gets from each source, down to
 11 the slightest nuance. He carries these details in his brain
 12 while he works through a decision."
 13 In "The Inside Story," a book, the author Robert
 14 Levin wrote that President Clinton, that he has an amazing
 15 memory. And at other times, in other books, others have said
 16 that he has an excellent memory, a nearly photographic
 17 memory, and there have been other similar comments in either
 18 books or magazines.
 19 As Deputy Chief of Staff and one who has known
 20 President Clinton for a long time, what's your view, your
 21 opinion of President Clinton's memory?
 22 A Well, first of all, I would say that anything
 23 that Dick Morris says should be taken with a huge barrel
 24 of salt since his veracity is open to considerable
 25 question.

Page 68

1 BY MR. WISENBERG:
 2 Q I take it that means that your reference to him as
 3 a paragon of veracity was facetious?
 4 A Facetious. Yes. I would -- he's known to stray
 5 from the truth more often than not. Putting that aside, my
 6 observation of the President is that he's very smart, that he
 7 does have a good memory. Mine is a terrible memory, so
 8 compared to mine, he has a great memory. But he has a good
 9 memory and he does -- he is able to absorb facts and figures,
 10 which I am not able to, seemingly easily and remembers them.
 11 BY MR. PAGE:
 12 Q So then you might even agree with Mr. Morris.
 13 A I would not --
 14 Q Or is that --
 15 A Well, I would want to go over it word by word
 16 before I committed myself to anything that Dick said.
 17 Q But needless to say, if words are messages of
 18 ideas, the message that you're telling us today is that in
 19 your view, the President's memory is good, if not better.
 20 A It's better than mine and I would consider his
 21 memory quite good.
 22 Q And is that based upon your personal experience,
 23 having dealt with him as Deputy Chief of Staff for a little
 24 over three years?
 25 A Yes.

Page 69

1 MR. WISENBERG: Can I ask something? Are you
 2 leaving that area?
 3 MR. PAGE: I was about to.
 4 MR. WISENBERG: I was going to, before you do that,
 5 ask a belated question.
 6 BY MR. WISENBERG:
 7 Q You also knew him, I think, looking at your
 8 transcript from Virginia, of course you knew him before he
 9 was President.
 10 A Yes.
 11 Q And did some campaigning with him, I take it? With
 12 the President. Before he was president.
 13 A Yes.
 14 Q Is it fair to say that in the business of
 15 campaigning that one of the things you need to try to do if
 16 you're successful is to remember people? When you come up
 17 and meet them in an event, you've seen them before, to
 18 remember when the last time you saw them was? Is that a fair
 19 statement?
 20 A Many politicians would like to have that facility.
 21 Some do, some don't. The President has a very good facility
 22 at remembering people.
 23 Q That was going to be my question. How is he at
 24 that part of the game?
 25 A Pretty good.

Page 70

1 MR. WISENBERG: Go ahead.
 2 BY MR. PAGE:
 3 Q Mr. Ickes, have you ever discussed with a member of
 4 the media your having or your allegedly having seen the
 5 President in a compromising position with another woman?
 6 A Yes.
 7 Q And with whom did you have that discussion?
 8 A The first discussion that I recall was in -- I
 9 think it was the week that -- the latter part of the week
 10 that the -- for lack of a better phrase, the Monica Lewinsky
 11 situation became public, which I think was on a Wednesday or
 12 Thursday, mid week.
 13 MR. WISENBERG: Wednesday, January 21st was the
 14 Washington Post story.
 15 THE WITNESS: Okay. I'll take your word for it.
 16 And my best recollection is that two or -- at least
 17 one, if not two, reporters from, I think, CBS television
 18 called me to say that they had good authority that I had
 19 seen -- I forget all the details that they described, but
 20 the essence of the story was that I had seen the President
 21 and Ms. Lewinsky in a compromising position, as I recall,
 22 either in the Oval Office or one of the rooms adjacent to the
 23 Oval Office and that they were going to run with that story.
 24 And I said that I had absolutely no recollection of
 25 it and I was pretty sure that I would remember if I had seen

Page 71

1 them in a compromising position and they decided to run the
 2 story, as far as I know. That was --
 3 BY MR. PAGE:
 4 Q Do you know the names of these reporters?
 5 A I think -- Scott Pelley was one and he has -- I'm
 6 terrible with names. He has -- I'll think of it in a minute.
 7 The other person who was assigned and still is assigned to
 8 cover the White House for CBS.
 9 Q So you told one or both of these reporters that you
 10 had absolutely no recollection of finding Monica Lewinsky and
 11 the President in a compromising position?
 12 A Yes.
 13 Q Does that mean that at the time that you told those
 14 reporters or reporter that that you couldn't exclude it?
 15 A Did I tell them that I couldn't exclude it?
 16 Q No, does it mean that you used the phrase because
 17 you couldn't exclude it at that time?
 18 A I told them that I had absolutely no memory of it
 19 and I was confident it didn't happen. But, you know -- I
 20 think -- that's the best that I can recall that I told them.
 21 Q All right. As we sit here now today, can you
 22 exclude that having happened?
 23 A Again, as I think I've said before, I can't exclude
 24 almost anything. Almost anything is possible. I have
 25 absolutely no recollection whatsoever and I'm quite confident

Page 72

1 that it did not happen.
 2 Q So then to look at it from the other side, it's
 3 possible that you found or saw Monica Lewinsky and the
 4 President in a compromising position?
 5 A As I said before, anything is possible. I have no
 6 recollection whatsoever of this and did have it at that time,
 7 was amazed, quite amazed, when they told me the story and
 8 expressed my amazement to Mr. Pelley and he said that they
 9 were thinking about running it. And I said, well, they could
 10 do what they wanted, but it would be a denial from me.
 11 Q As we sit here now, though, can you say it didn't
 12 happen?
 13 A I have already testified to what I have said. As I
 14 sit here today, I have absolutely no recollection and I'm
 15 confident it did not happen.
 16 Q That's a little bit different, however, than saying
 17 that you know for a fact that it didn't happen, correct?
 18 A I know very few things as a fact. I know my name
 19 and my address and sometimes I even forget that, but I've
 20 testified to what I've testified.
 21 Q So is this an event, your finding the President and
 22 Monica Lewinsky in a compromising position, that you may have
 23 forgotten?
 24 A I may have. I think it is unlikely beyond belief
 25 that I would have.

Page 76

BY MR. BENNETT:
Q Did you ever see the President and Monica Lewinsky alone in the area of the Oval Office?
A I don't think so, Mr. Bennett. When I first met her, it was during the government shutdown, which as I recall was in late '95. And she was then working in this room between where my office was and where Mr. Panetta's office was on a voluntary basis and that's where I first met her, that's where -- and from time to time, the President would come down here.
As I had described earlier, he's sort of peripatetic and sometimes he would just show up. During the government shutdown, he would come down to talk to either me or Leon more frequently than before. She was working there. My recollection is that's the only time that I saw them together, but by being together, there was always a group of us in that room.
After the government shutdown, I think she went back on Mr. Panetta's staff at the OEOB and then at some point I understand she became a permanent -- or a staff member and worked -- was assigned to the legislative department and as a result of that worked over in the East Wing, this being the West Wing, worked over in the East Wing, and I would see her from time to time coming -- walking back and forth between East Wing and West Wing, which was not

Page 74

unusual because much of the legislative staff did that.
Q So if I understand you, you have no recollection, other than what you've told us about, of ever having seen the President and Monica Lewinsky alone.
A No.
Q And you think you would recall if it did happen?
A Well, I don't know if I would recall or not. I mean, the President -- a lot of people see the President, a lot of people deal with the President, but I have no recollection of seeing them alone. The only time I have a recollection of seeing together is, as I said, during the government shutdown when he was in the Chief of Staff's office.
Q Well, do you recall ever seeing the President alone and Ms. Lewinsky in the vicinity? Or departing or appearing to depart from an area in which the President was alone?
A No.
Q You don't recall that?
A No.
Q Now, I assume -- your previous appearance before today in the grand jury, you were aware of news accounts that reported that you had perhaps made such an observation, that is, having seen the President and Monica Lewinsky alone. Do you recall those news accounts?
A Well, I recall the news accounts and that also

Page 75

relates back, I take it, to the conversation that I testified to a few moments ago about a conversation I had with Mr. Pelley in the latter part of January of this year.
Q You made a comment, I believe, at least I think I saw press accounts, although you didn't testify at that time, when asked about those news accounts, you made some statements to the media at the time. Do you recall that?
A I did make some statements to the media.
Q I guess I just want to be sure to ask the question as broadly as possible to give you the opportunity to answer as truthfully as possible or to probe your recollection as fully as possible. And so again, so I can be as clear as I can be, you know the subject that the grand jury is focusing on.
A Mm-hmm.
Q And that is whether the President -- generally what the President's relationship with Ms. Lewinsky was.
A Yes.
Q And evidence of that. And so I wanted to make sure we've plumbed the depths of your knowledge, to the fullest extent possible, about what you know about anything that would enlighten us on that topic.
A And so your question is?
Q My question is, I want to give you every opportunity to be as accurate on this as possible.

Page 76

Do you know anything -- can you shed any light in any fashion on the extent of the President's relationship with Monica Lewinsky?
A The extent of my knowledge about -- other than what I've read, and I don't have to tell you how much has been printed and spoken about since late January, and it's often difficult to separate what you've read and what you know, but my best recollection is that I first met Ms. Lewinsky, to my knowledge, first met her during the government shutdown in late '95. I forget what month, November, December.
She worked in this office between Mr. Panetta's office and my office for the duration of the shutdown, which I recall was five days, maybe a week, I forget exactly when. And I saw the President on -- more often than he usually did came down there just because we were short staffed and a lot was going on. And that is when I saw him in the same room with her.
I do not have any recollection of seeing him and her alone. I do have a recollection of her -- maybe seeing her, I don't even have a distinct recollection of this, in the office where Betty Curle and --
MR. WISENBERG: Nancy Hemreich?
THE WITNESS: -- Nancy are. Nancy has a separate office, as you know, off to the side of that, but it's in the

Page 77

same complex.
My best recollection is that that was some time in the spring of '96 when -- I think since she was involved in presidential correspondence.
BY MR. BENNETT:
Q In separating out news accounts --
A I mean congressional correspondence.
Q All right. In separating out news accounts and media coverage of this matter, since mid to late January of this year, I'm asking for your own particular recollection.
Again, do you have any recollection of having seen Monica Lewinsky alone with the President, other than what you've told us about? I'm not asking about work that she did in the correspondence unit when she was an intern.
A Right.
Q I'm asking about having seen her physically alone with the President at any time.
A No.
Q And, again --
A I have no recollection.
Q Do you have any recollection of having seen her in the immediate vicinity or proximity to the President while he was alone?
A No. Other than, Mr. Bennett, than what I've described in this situation. I mean, obviously, photos and

Page 78

stuff that have been shown since then, but my own personal observation, outside of photographs and stuff like that that have been printed -- and I'm not even sure I saw her in the secretarial area outside the Oval Office, but the answer is I have no recollection.
Q All right. And the news accounts suggesting that evidence or witnesses have provided evidence suggesting that you would have made such an observation in the study area immediately off the Oval Office would be categorically false?
A Mr. Bennett, I can only testify to what I can recall. I have absolutely no recollection of it and I think it's something I would remember, but I don't have any recollection of seeing her and the President alone in the Oval Office or in the study area.
Q And, again, just to cast the question as broadly as possible for purposes of accuracy, do you recall seeing the President alone in that area and Ms. Lewinsky in the immediate vicinity or departing the immediate vicinity of the President?
A Not other than -- no recollection other than a vague recollection of her maybe being in the secretarial suite where others were at the time.
Q Do you have any explanation for why there might be evidence to the contrary, contrary to what you're telling us?
A No. I have no explanation for it. You'd have to

Page 79

Page 82

ask the people who claim it.
 Q All right. A moment ago, Mr. Page was asking you about whether you had witnessed any encounter in which I think you said the President was in a compromising position with Ms. Lewinsky or others. Is that correct?
 A Yes.
 Q All right. You understood the question to be the President in a compromising position, not limited to Monica Lewinsky.
 A Yes. I think that was his --
 Q All right. My question is have you heard or been told by others that they have made such observations?
 A No.
 Q And in particular, have you heard from any, say, members of the news media that they have discussed with you having made such observations? That is, that they saw the President in a compromising position and passed that information on to you?
 A Wait a minute. The "they" in your question refers to?
 Q Well, let's say members of the media.
 A That members of the media have seen --
 Q Yes.
 A -- Ms. Lewinsky and the President in a compromising position?

this grand jury.
 A Okay. So the question is whether I have talked to anyone who claims that they've seen the President and Ms. Lewinsky -- Ms. Lewinsky?
 Q Any woman.
 A No, I have not.
 Q You've had no conversations with anyone in which they reported to you --
 A That they have seen --
 Q -- the fact that they have observed the President in a compromising position?
 A I have no recollection of it. No.
 BY MR. PAGE:
 Q And so you can't exclude it having happened.
 A Well, the answer is no. I've gone through how high a bar that is, but I have absolutely no recollection of talking to anybody who has seen the President in a compromising position, as Mr. Bennett defined it.
 BY MR. BENNETT:
 Q Let me ask you this. You're aware that after the Monica Lewinsky matter broke, late January, as you've indicated, that there came a time in which the President's deposition testimony in the Paula Jones matter became public in some fashion and Peter Baker of the Washington Post reported the purported contents of that deposition. Do you

Page 80

Page 83

Q No, sir. The --
 A That's why I'm confused on your question.
 Q No, not Ms. Lewinsky. The President in a compromising position with anyone.
 A That the --
 Q When we say "compromising position," we're using that phrase, perhaps we should try and define it.
 A Yes.
 Q How do you understand, when we say "compromising" --
 A Well, I was going to ask you how you're defining it because you're using the term.
 Q Well, in a romantic position -- an embrace, a sexual position.
 A Well, those are two different things. Sexual and embrace, in my view, are two different things.
 Q How do you mean compromising when we've been asking the questions using that term?
 A Well, I'm not exactly sure but now that you raise the issue of embrace, the President, I would say, is in a compromising position much of the day.
 Q We're not talking about --
 A I use that somewhat tongue in cheek, but he -- look. He is known as a person who in political terms is very touch-feely. I don't use that in any sexual way whatsoever.

recall that?
 A The answer is I recall learning about the deposition. I don't recall the exact facts and circumstances that you've laid out. I think it was reported in various journals.
 Q All right. My question is tell the grand jury what, if anything, you know about how that deposition came to be reported by the Washington Post.
 A I have no idea.
 Q Were you a source of that disclosure?
 A I was not.
 Q Do you know who was a source or the source of that disclosure?
 A No.
 Q Have you ever discussed the matter with anyone?
 A Discussed what matter?
 Q The leak of the President's deposition testimony to the Washington Post?
 A No. In specific detail? No. I mean, it was there and I had no idea how it got there, why it got there, who got it there.
 Q Did you discuss it in general detail with anyone?
 A I think it's fair to say, Mr. Bennett, that there are a lot of things that have been discussed in general detail. I mean, I've talked to a lot of people over the last

Page 81

Page 84

I mean, he has put his arm around me and men and women on many, many occasions, and you've seen him work rope lines, you've seen photographs of that, et cetera. So --
 Q Excluding all of those, the rope lines, the hugs that he would give to people in rope lines or in public settings, we're talking about an amorous encounter and try and confine or narrow our description of "compromising position" to that. Do you get my meaning?
 A I get your meaning.
 Q Now, that is what we intend when we use the term "compromising position."
 A Right.
 Q Does that change any of your testimony?
 A No.
 Q All right. Now, back to what we had begun a moment ago. Have you ever had a conversation with any witnesses, any individuals, in which they described to you having -- their having observed the President in a compromising position with another woman?
 A By "witnesses" you mean people who have been before this grand jury?
 Q Have you had a conversation with anyone --
 A Oh, with anyone? No. I thought you were using that in a technical term.
 Q Well, without regard to whether they've appeared in

six months about this situation and so the fact that it was there, I assume at some point there was probably general discussion and speculation about how it might have gotten there, but as far as I was concerned, it was of little moment.
 Q Tell us everything you can recall about any such conversation, whether specific or general.
 A It would not be specific. It would be general and it would be in the nature, I think I would put it on the level of gossip, if you're talking to reporters, how did it get there, do you know anything about it, and nobody knew anything about it.
 Q Tell us everyone you can recall having discussed this matter with, sir.
 A Well, that was a long time ago, Mr. Bennett. I could not discuss in any detail -- I've talked to a lot of people and a lot of reporters. I could not tell you specifically under oath who I talked to.
 BY MR. WISENBERG:
 Q I have a few questions for you, Mr. Ickes. In your appearance in Virginia, you were asked a question about discussions you had had regarding Ms. Lewinsky, but it was from late January '98 when the scandal broke, so I want to ask you about any discussions before that period in time you had about Monica Lewinsky or about anyone you later learned

Page 85

1 to be Monica Lewinsky. Can you tell us about those? Any
 2 discussions you had?
 3 A Prior to what time period?
 4 Q Prior to late January '98, because the question in
 5 Virginia of you was, I'll read it to you, "And who
 6 specifically have you talked to at the White House regarding
 7 Monica Lewinsky?"
 8 A Answer: I have talked -- is there a time period
 9 on this?"
 10 "Question: From January. Generally, I will say
 11 from late January to the present, 1998."
 12 And then you answered that question. So I'm doing
 13 then prior to late January 1998. Who have you talked to at
 14 the White House about Monica Lewinsky and what were the
 15 nature of those discussions? Or about someone who you later
 16 learned to be Monica Lewinsky.
 17 A I have no recollection of talking to anyone. She
 18 was -- she was an intern who was working in the White House
 19 during the shutdown. I was Deputy Chief of Staff. After the
 20 shutdown, she was no longer around as far as I saw until at
 21 some point she was promoted or given a full-time job, at
 22 least that's what I understand from the press accounts in the
 23 legislative office and as a result, I gather, was working out
 24 of the East Wing rather than the Old Executive Office
 25 Building where I had been told she was working when she was

Page 86

1 on Mr. Panetta's staff. And I don't recall having any
 2 discussions about her. I was not dealing with personnel. I
 3 had a huge number of -- a very large number of things that I
 4 was concerned about, including the President's reelection.
 5 Q I'm not suggesting that it would have been normal
 6 for you to have a discussion.
 7 A Right.
 8 Q This wasn't asked before and --
 9 A No, I understand.
 10 Q And your answer is you don't recall having any
 11 discussion about her.
 12 A I don't recall having any discussion about Monica
 13 Lewinsky. She was one of hundreds of interns that work in
 14 the White House and that are turned over on a -- you know,
 15 they do it on a rotating basis.
 16 Q Now, also in Virginia, I know that the general
 17 topic of your questioning had to do with release of the Tripp
 18 files, but you were also asked several times about your
 19 conversation with the President on the Monday after the
 20 Lewinsky scandal broke and you repeated, I think, several
 21 times that he denied obstructionist behavior to you and
 22 denied that he had a sexual relationship with Ms. Lewinsky.
 23 And you recall your testimony to that effect?
 24 A Yes.
 25 Q And at 21 and 22, I'll read a portion of the

Page 87

1 transcript.
 2 "So what other details were discussed in the other
 3 approximately four and a half minutes?"
 4 A Answer: I have no recollection of any specific
 5 details. I can tell you that that's what -- the summary of
 6 the conversation on that particular subject. I met with the
 7 President. That same meeting probably lasted an hour in
 8 which we discussed a range of different things."
 9 Now, that's the testimony that I've read to you and
 10 I believe you testified that about a half of that hour
 11 conversation was related to the Lewinsky matter and only
 12 about five minutes was related to the President's actual
 13 denials. And what I want to focus on is your statement you
 14 have no recollection of specific details.
 15 Have you remembered any details since your
 16 testimony in Virginia?
 17 A When you say details, you're now --
 18 Q Details of the President's denial. In other words,
 19 in Virginia, you testified, I think, repeatedly he denied --
 20 A Yes.
 21 Q -- a sexual relationship with her and he denied
 22 obstructionist type behavior --
 23 A Right.
 24 Q -- with respect to her. And you didn't remember
 25 any other details. And so what I'm asking you now, do you

Page 88

1 remember any other details of the President's denial on that
 2 Monday?
 3 A I don't. As I think I testified in that particular
 4 grand jury, that I did not have a lawyer-client relationship
 5 with the President, didn't want one. He had enough lawyers
 6 around him without adding one more. And that he denied to me
 7 that he had had a sexual relationship. I don't know the
 8 exact phrase, but the word "sexual" was there. And he denied
 9 any obstruction of justice. And that was the extent of the
 10 details. I did not have a lawyer-client and didn't -- he
 11 didn't go into details and I didn't ask him details.
 12 Q Did President Clinton ever give any explanation to
 13 you for why Monica Lewinsky had visited him so often? And I
 14 understand that that question contains a predicate that you
 15 might not know if it's true or not and that is that she
 16 visited him often, but nevertheless that's the question. Did
 17 he ever give you any explanation for why Monica Lewinsky had
 18 visited him or had visited the White House so often?
 19 A He didn't. I don't think that I knew at that
 20 time -- I've come to learn since from news reports that she
 21 allegedly was in the White House on numerous occasions.
 22 Whether she was actually in the White House and who she was
 23 seeing in the White House, I have no idea. But the answer,
 24 the short answer, is that the President did not.
 25 Q At any time, correct?

Page 89

1 A No.
 2 Q And I take it that in terms of your recollection of
 3 specific details on the denial that in addition to that
 4 Monday conversation after the scandal, he never at any other
 5 time elaborated on that. Is that correct?
 6 A He did not.
 7 Q You also mentioned, and this is in the Linda Tripp
 8 territory, but I figure you'd rather not go back to
 9 Alexandria, so I'll ask it to you here --
 10 A No, no. I want to go back to Alexandria.
 11 Q Okay. At one point, you mentioned that you didn't
 12 look at Linda Tripp's personnel file or know who did while
 13 you and she worked at the White House. And my only question
 14 for you is did you look at her personnel file or do you know
 15 who did at any time that you did work at the White House?
 16 A No. All I know about Linda Tripp's personnel file
 17 is what I've read in the press.
 18 Q Okay. Did you ever recommend -- you testified in
 19 Virginia that you didn't recommend firing Linda Tripp after
 20 January 21st. Did you ever at any time prior to January 21,
 21 1998 recommend that anybody fire Linda Tripp?
 22 A No. I have no recollection and I am confident that
 23 I didn't. I hardly knew who Linda Tripp was.
 24 Q You said in Virginia in answer to a question that
 25 you very rarely talk to lawyers for witnesses and what I

Page 90

1 want to ask you is what lawyers for witnesses in any aspect
 2 of the Lewinsky matter, that would certainly include Linda
 3 Tripp, what lawyers for witnesses have you talked to?
 4 A You have a time period on that?
 5 Q At any time from -- let's say any time from
 6 January 1, 1998 until the present.
 7 A I think the only lawyer that I've talked to for
 8 witnesses -- first of all, I don't even know who the lawyers
 9 are, but I think the only lawyer other than my own that I've
 10 talked to are David Kendall and if you're using witness in a
 11 technical sense, he wouldn't even come within that, and Stan
 12 Brand. And I'm not even sure that Stan Brand comes within
 13 that, if you're using witness in the technical sense.
 14 Q I am using witness in the sense of somebody who --
 15 using it in the sense of someone who you think has either
 16 been to the grand jury or who has talked to investigators
 17 about any aspect of the Lewinsky matter.
 18 A Well, I know Stan Brand as a -- for many, many
 19 years and I've talked to him on occasion, but I couldn't tell
 20 you whether his client has either been interviewed for or
 21 testified in connection with this grand jury.
 22 Q And who is it you understand his client to be?
 23 A George Stephanopoulos.
 24 Q Okay. Have you talked to him about anything
 25 about -- what have you talked to him about with respect to

Page 91

[1] Mr. Stephanopoulos and the Lewinsky matter?
 [2] A I haven't talked to him at all about
 [3] Mr. Stephanopoulos and the Lewinsky matter. I called
 [4] him recently to find out whether it was possible to get some
 [5] of my legal fees paid.
 [6] Q And what about David Kendall? What's been the
 [7] nature of your discussions with David Kendall with respect to
 [8] the Lewinsky matter?
 [9] A My discussions with him, I call David from time to
 [10] time just to see how things are going. It is a one-way
 [11] conversation. Nothing comes from David.
 [12] Q You're the one way, in other words.
 [13] A Yes.
 [14] Q You're the one imparting information, rather than
 [15] Mr. Kendall. Is that correct?
 [16] A David doesn't impart information.
 [17] Q Okay. You testified in Virginia that you had had
 [18] conversations with the First Lady, but that you had discussed
 [19] no details with her regarding the Lewinsky matter. And I'll
 [20] read you a portion of your testimony.
 [21] "I don't talk to her that much and, as I have
 [22] testified earlier, typically I'm calling her just to check
 [23] in, how is she. It's more of a check in. I don't recall --
 [24] there is frustration evidenced by her and by the President
 [25] about what is going on, as you might imagine, but I don't

Page 92

[1] recall discussing any particular details with the First Lady
 [2] about this other than just the general atmosphere, how it's
 [3] going, what it is it looked like.
 [4] You stand by that testimony?
 [5] A I do.
 [6] Q Since the time of your Alexandria appearance, has
 [7] she discussed details of the Lewinsky matter with you?
 [8] A I don't think -- I'm trying to recollect. I don't
 [9] think that I've talked to the First Lady since then, unless
 [10] this going away part that I think I testified to in that
 [11] grand jury occurred -- but if I testified to it in the grand
 [12] jury, then it didn't occur afterwards. I don't think I've
 [13] talked to her since that grand jury.
 [14] Q But if you did, you haven't discussed any details
 [15] of the Lewinsky matter?
 [16] A Well, when you say "details," I don't know what you
 [17] mean by that. If I did, would I have discussed generally
 [18] this ongoing situation? Undoubtedly. Would I have discussed
 [19] details? I sincerely doubt it and the fact is I don't think
 [20] I've talked to her since then.
 [21] Q Let me ask a more global question about your
 [22] discussions with the First Lady at any time since January 1,
 [23] 1998, which is has she ever given you an explanation -- we
 [24] talked about the President's denials.
 [25] A Right.

Page 93

[1] Q Has she ever given you an explanation for the
 [2] Lewinsky matter?
 [3] A No.
 [4] Q Has she ever denied, generally or specifically, the
 [5] allegations?
 [6] A I've never asked her and she's never --
 [7] Q So you just haven't discussed that with her at all.
 [8] A Right.
 [9] Q Okay. Did you ever tell anyone at any time to look
 [10] at the personnel files of Linda Tripp?
 [11] A No. Not -- I have no recollection of it. I'm
 [12] quite confident I didn't. I didn't -- you know, Linda Tripp
 [13] was in the White House when I first got there, she left and I
 [14] never thought about her again.
 [15] Q Have you ever received any information from such
 [16] files?
 [17] A Not to my knowledge.
 [18] Q I've got some questions, some of which are from the
 [19] grand jurors. When you would -- you testified, I believe,
 [20] earlier today that when you would be at the White House on
 [21] the weekends that I believe typically there were people --
 [22] there were some people there in this area that's marked
 [23] reception area 1.
 [24] A Yes.
 [25] Q Who would typically be there on a weekend?

Page 94

[1] A Wait a minute. Let me just -- are you talking
 [2] about reception area 1 or waiting area 1?
 [3] Q I meant to say reception area, but let me just --
 [4] A Oh, I see what you're saying. I'm sorry. I see
 [5] where you are.
 [6] Q Who would you typically see on a weekend in that
 [7] area?
 [8] A If there were people there, it would be --
 [9] typically, it would be the people who worked there on a
 [10] regular basis, which would include Betty Currie, if the
 [11] President were there, sometimes his personal aide would be
 [12] there and Nancy Hemreich. If the President weren't there,
 [13] it would -- sometimes Betty and Nancy were there together,
 [14] sometimes only one of them was there.
 [15] Q All right. Not a different crew.
 [16] A No, no. It was --
 [17] Q That would typically be there.
 [18] A Typically, it was the same crew. I mean, this was
 [19] basically their personal offices.
 [20] Q And you wouldn't always see them there.
 [21] A No.
 [22] Q Just sometimes. Is that correct?
 [23] A Just sometimes.
 [24] Q Do you recall ever having a conversation with a
 [25] Secret Service either uniformed or plainclothes agent about

Page 95

[1] the President not answering the phone?
 [2] A I have no recollection of that. No.
 [3] Q Not picking up. In other words, someone's calling
 [4] in and he's not picking up.
 [5] A No. The service -- the service knew -- the service
 [6] monitors him like a tick on a dog.
 [7] Q Do you recall having such a conversation with
 [8] anyone, not just Secret Service, about the President is not
 [9] picking up, is not answering the phone?
 [10] A I don't recall. No.
 [11] Q Do you know who Jennifer Palmieri is?
 [12] A I do.
 [13] Q I might be mispronouncing her name.
 [14] A No, no. You're right on target.
 [15] Q She worked, at least at one time, for Leon Panetta.
 [16] Is that correct?
 [17] A She did. She worked for Leon throughout the
 [18] duration -- to my knowledge, throughout the duration of his
 [19] tenure as Chief of Staff.
 [20] Q Do you recall that during the time of this furlough
 [21] that you've discussed where you saw Ms. Lewinsky in the area
 [22] of the Chief of Staff's office, do you recall that there was
 [23] a birthday celebration of any kind for Ms. Palmieri during
 [24] that period?
 [25] A Was there a birthday celebration for Jennifer

Page 96

[1] Palmieri?
 [2] Q During that period where people had cake, got
 [3] together and had cake.
 [4] A They had a lot -- they celebrated everybody's
 [5] birthday, so I -- it may well be. If she had a birthday, it
 [6] was probably celebrated. They believed in a lot of birthday
 [7] celebrations over there.
 [8] Q I'm a party kind of guy, too.
 [9] A What?
 [10] Q I'm a party kind of guy, too.
 [11] A Oh. Well, I'm not, so --
 [12] Q The question is do you specifically recall a
 [13] party for Jennifer Palmieri during the furlough, the budget
 [14] crisis?
 [15] A I don't. It may well have happened, but I was not
 [16] an observer of birthday parties.
 [17] Q During the time that you have discussed where you
 [18] saw Ms. Lewinsky in the area around the Chief of Staff's
 [19] office, during the furlough period, during that time, did you
 [20] ever go to the Hill as just part of the negotiations going
 [21] on?
 [22] A During what -- I'm sorry, during what period?
 [23] Q During this period that you've indicated was a
 [24] furlough period where you saw Ms. Lewinsky in the area of the
 [25] Chief of Staff's office.

Page 97

A Right.
 Q During that -- I think you mentioned it was a five-day period. During that period, did you ever --
 A Well, whatever it was. That's my recollection.
 Q Did you ever have occasion to go up to Capitol Hill during that period?
 A I may have. Leon -- I'm just trying to think who was the head of legislative then. It was either Pat Griffin or John Hilley. I think it was Pat Griffin was still there as head of legislative. Leon -- Leon basically and whoever was head of legislative, whether it was Griffin or Hilley, basically did the Hill work. I may have accompanied them on one or two occasions. I don't recall and I sort of doubt it.
 Q Okay. So you don't recall it, you doubt it, but you might have been up on the Hill during that period. Is that correct?
 A Yes, I might have. I just don't have any recollection.
 MR. WISENBERG: Let the record reflect that Mary Anne Wirth of our office has entered the grand jury room.
 BY MR. WISENBERG:
 Q Have you ever -- do you know whether or not Mr. Stephanopoulos was up at the Hill during that period?
 A I don't know as an actual fact. George probably was, but I couldn't state that as an actual fact.

Page 98

Q Do you remember pizza at all being eaten during that five-day or whatever day period it was that we're talking about, the furlough period where you saw Ms. Lewinsky? Do you ever remember pizza being delivered and/or eaten by people?
 A It may well have been. From time to time, when people were working late, Jennifer would order -- Jennifer Palmieri or somebody else in the Chief of Staff's office would order in food and if there was enough around, other people would join in eating it. It wouldn't surprise me if it happened.
 Q You don't remember it, though?
 A I don't have a specific memory. No.
 Q What is her reputation, if you know, for truth and veracity? Jennifer Palmieri.
 A I can only tell you what my experience has been, that she is truthful and I was going to say voracious, is known for veracity.
 Q I'm going to ask you some questions that might -- I'll go through them as quickly as I can. They might overlap somewhat with some that Mr. Bennett asked. And my first question is did you -- I guess you've already talked about -- you've already talked about seeing -- you think you might have seen Ms. Lewinsky in reception area 1 in the area of spring '96 and that you saw her, you think, during the

Page 99

furlough period but in the room with other people. Is that correct?
 A Yes.
 Q Did you ever see Ms. Lewinsky and the President either in the Oval Office study that you've identified, the Oval Office dining room, the Oval Office itself or this little hallway that leads from the Oval Office to the dining room? Have you ever seen them, with or without other people present, in any of those areas?
 A I have no recollection of it. You know, I can't rule it out as an absolute, but I have no recollection of seeing her in the oval or in other places other than, as I said --
 Q What you've testified to.
 A Yes.
 Q Did you ever see her enter a room or area where the President had been, was or was about to be? Other than what you've testified to so far.
 A That's a pretty broad question.
 Q Okay. Other than what you've testified to so far, did you ever see her enter a room where the President was, just had been or you thought was about to be in?
 A Well, the answer to a very broad question is yes.
 Q All right.
 A And can you reference that to any particular event?

Page 100

Q I can't reference it to any particular event, but the President -- once Ms. Lewinsky started working -- and I don't know the exact -- I don't even know the general date -- over in the East Wing, I recall seeing her from time to time walking back and forth from the East Wing to the West Wing and in order to do that you walk through what I called the ground floor or the lowest floor of the residence.
 That -- in traveling from east to west or west to east, she would travel through that -- first of all, she would go down this colonnade where the President walked when he was going back and forth to the residence to -- she would walk in the hallway, in the residence, which passes right by the private elevator that goes upstairs to what most people call the state floor, most people actually call it the first floor, but the state floor, and then on up to the second floor or the residence.
 So the answer is to that very broad question yes and that would be one the primary examples where I would have seen her where the President had been, might be, was about to be or could be.
 Q All right. Let me confine it to rooms and let me confine it to the Oval Office, the study, the dining room, the hallway leading from the Oval Office to the dining room. And I'll also add the reception area of Betty Currie and Nancy Hemreich. And, again, excluding what you've already

Page 101

talked about, March '96, did you ever see her enter one of those areas and where the President you thought was, had just been or was about to be in?
 A Other than what I've testified to?
 Q Correct.
 A No. I have no recollection of seeing her.
 Q And same question for him. Did you ever see him enter one of those rooms where you thought she was, had been or was about to be?
 A No. I have absolutely no recollection of that.
 Q And then did you ever see her leave a room, other than what you've specifically testified to, which are basically innocuous -- at least -- innocuous cases you've testified about, did you ever see her leave a room where the President had been, where the President was to your knowledge, or had been or was about to be in?
 A Same answer.
 Q Okay. And did you ever -- reversing it, see him leave a room where she had been -- where she was, had been or was about to be in?
 A Other than what I've testified to?
 Q Okay. Yes. I understand.
 A That was a question from me to you.
 Q Right.
 A Other than what I've testified to?

Page 102

Q Right. Correct.
 A No, I have no recollection.
 Q And, again, what you've testified to was you saw her in a group of people where the President might have been during the budget shutdown period and you think you might have seen her in the spring of '96 in reception area number 1. Is that correct?
 A Yes. But I want to make clear, so there's no misunderstanding, during the budget shutdown, she was working there on a fairly consistent basis, on a consistent basis, quite long hours because much of the regular staff was not permitted to work, and the President was down in that area on several occasions, how many, I don't know, but several occasions.
 Q So it might have been more than once during this budget period.
 A Yes. My recollection is that he was down there several times.
 Q All right. But as far as you know, there's never an occasion that you recall where, for instance, in a particular room that you -- you ever saw during that budget crisis, as an example, Monica going into the study where you thought the President might be there.
 A No. I never -- I have no recollection of that.
 Q Or the dining room where the President you thought

Page 103

[1] might be there.
 [2] A No.
 [3] Q Or the Oval Office.
 [4] A No.
 [5] Q Okay. Did you hear any scuttlebutt during the
 [6] budget crisis or with respect to the budget crisis about
 [7] Chief of Staff and/or the President flirting with each other
 [8] during that period?
 [9] A I did not.
 [10] Q Okay. Did you ever hear anything at any time,
 [11] excluding completely press accounts after the scandal hit,
 [12] ever hear anything firsthand, secondhand, eighteenth-hand,
 [13] about a relationship between Monica Lewinsky or someone you
 [14] later thought might be Ms. Lewinsky and President Clinton?
 [15] A Okay. I just want to understand the time period.
 [16] You're talking about the time period prior to when --
 [17] Q Actually, I'm talking about any time period, but
 [18] I'm excluding press accounts. Because it's conceivable after
 [19] the press accounts --
 [20] A I'm with you. No, no --
 [21] Q -- somebody could have said, "Oh my gosh, this
 [22] reminds me --"
 [23] A No, no. You're right. Right.
 [24] Q So anything, firsthand, secondhand, eighteenth-hand
 [25] about any kind of a relationship between -- any kind of

Page 104

[1] romantic, untoward, sexual relationship between Monica and
 [2] the President?
 [3] A No. Other than what I've read in the press.
 [4] Q Excluding that.
 [5] A Yes.
 [6] Q Okay. You've never heard anything about them
 [7] flirting or being together with each other, correct?
 [8] A Right. I mean, again, other than what I read in
 [9] the press.
 [10] Q I'm excluding the press. Did you ever see or did
 [11] you hear anything or were you ever told anything, again, it
 [12] can be triple hearsay, it can be quadruple hearsay, at any
 [13] time, that led you think -- again, we're excluding the
 [14] press -- that led you to think there may have been a
 [15] relationship between them?
 [16] A No.
 [17] MR. WISENBERG: I believe I've asked all the grand
 [18] jurors' questions.
 [19] Are there any further? Should we excuse --
 [20] THE FOREPERSON: Yes.
 [21] MR. WISENBERG: I think we're near the very end,
 [22] but I will ask you to step outside for just a minute.
 [23] THE WITNESS: Okay.
 [24] (Witness excused. Witness recalled.)
 [25] MR. WISENBERG: Let the record reflect the witness

Page 105

[1] has reentered the grand jury room.
 [2] Madam Foreperson, do we have a quorum?
 [3] THE FOREPERSON: Yes, we do.
 [4] MR. WISENBERG: Any unauthorized people present in
 [5] the room?
 [6] THE FOREPERSON: There are none.
 [7] Mr. Ickes, it is my responsibility to remind you
 [8] that you are still under oath.
 [9] THE WITNESS: Yes.
 [10] BY MR. WISENBERG:
 [11] Q Mr. Ickes, a few more questions from the grand
 [12] jurors. Did you ask Mr. -- I think it's Pelley, when you
 [13] talked to him, when he called you about this story about you
 [14] having witnessed the President in a compromising position,
 [15] did you ask him who his sources were?
 [16] A I've been dealing with the press for many years.
 [17] I know better than to do that. The answer is no. I never
 [18] asked him who their sources were.
 [19] Q Okay. And the other reporter, any other reporters
 [20] who talked to you about this story, your answer is the same?
 [21] You didn't ask them their sources?
 [22] A That's correct. I did not.
 [23] Q Is there any medical, physical condition of any
 [24] kind that you have that affects -- other than age, which
 [25] affects us all, that affects your memory in any way?

Page 106

A Not that I know of.
 Q Okay. You're not under any medication that affects
 your memory?
 A Not that I know of. No.
 Q Okay. When you worked at the White House, was
 there an appearance that you and/or others worried about?
 And I mean that in this sense, that because of all the
 stories going back at least to the '92 campaign that
 were circulated about the President and women such as
 Gennifer Flowers, were you all extra special careful to
 try to avoid situations where it might appear he was
 in -- you know, in a location with anybody where people
 could make comments?
 A I think that's a fair statement. Yes.
 Q Okay. This is one of the things you all tried
 to -- one of the things that concerned, let's say, upper
 management in the White House and you tried to avoid
 situations where the President was put in such situations
 where people could comment. Is that a fair statement?
 A Yes. Given -- you know, given the campaign, the
 primary campaign in 1992 and the allegations about Gennifer
 Flowers and others, the answer is yes.
 Q Did you hear anything when Monica Lewinsky got
 transferred from the White House to the Pentagon, did you
 hear anything about that at the time?

Page 107

A I don't recall hearing anything about it. I
 don't even know when it happened, other than from what I
 read in the press, but I did not even know she had been
 transferred.
 Q Did you ever hear her referred to as somebody who
 was a clutch or a stalker prior to the scandal breaking?
 A No.
 Q On many of the questions you've been asked today
 you said that you have no recollection, but on some of the
 last questions I was asking you before we broke, we just
 broke, particularly ones having to do with locations where
 you did or didn't see Monica and the President and questions
 about a relationship and flirting, you were more forceful.
 We got nos rather than that you didn't recollect. Is there
 any reason for that? Do you have a stronger memory on these
 last questions I asked you?
 A No.
 Q You just chose to answer with slightly different --
 with different verbiage?
 A Well, I don't know. I think I'd have to go back
 and read the record, but I think virtually all of my answers
 are consistent, which is I don't have a recollection.
 Q Okay. You understand, of course, that if you do
 have a recollection of something but say that you don't
 remember, you know that you can't do that and that that can

Page 108

be perjury, too, if it's a material question?
 A Right.
 Q You understand that?
 A Yes, I do.
 MR. WISENBERG: And I'm not trying to imply that
 you're trying to do anything weaselly, I'm just making sure
 that you understand that because a lot of your answers have
 been framed in terms of non-recollection.
 Again, let me remind you --
 Are there any other questions of the witness?
 THE FOREPERSON: No, there aren't.
 MR. WISENBERG: Let me remind you with respect to
 your notes that our understanding of the case law of this
 circuit is that we are entitled to those notes if we desire
 to have them, that they're subject to being subpoenaed, and
 you've indicated previously that you understand that and I
 will simply remind you not to do anything to in any way
 compromise the documentary integrity of those notes. Do you
 understand?
 THE WITNESS: Yes.
 MR. WISENBERG: All right. If there are no more
 questions, may the witness be excused?
 THE FOREPERSON: Yes, he may.
 MR. WISENBERG: Thank you very much.
 THE WITNESS: Thank you.

Page 109

[1] THE FOREPERSON: Thank you.
[2] THE WITNESS: Thank you.
[3] (The witness was excused.)
[4] (Whereupon, at 3:05 p.m., the taking of testimony
[5] in the presence of a full quorum of the Grand Jury was
[6] concluded.)
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